

courts of the United States of claims for damages resulting from the operation of aircraft by the United States; to the Committee on Claims.

H. R. 3502. A bill authorizing the acquisition for park purposes of certain lands adjacent to Rock Creek Park in the District of Columbia; to the Committee on the District of Columbia.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIPS:

H. R. 3903. A bill for the relief of Harry E. Lauder; to the Committee on Claims.

By Mr. SMITH of Virginia:

H. R. 3904. A bill for the relief of Raymond C. Campbell; to the Committee on Claims.

H. R. 3905. A bill for the relief of John C. Davidson; to the Committee on Claims.

H. R. 3906. A bill for the relief of Marshall M. Shuman; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1110. By Mr. COCHRAN: Petition of Noble White and 310 other citizens of Missouri, protesting against the passage of any prohibition legislation by the Congress; to the Committee on the Judiciary.

1111. Also, petition of James C. Streb and 809 other citizens of Missouri, protesting against the passage of any prohibition legislation by the Congress; to the Committee on the Judiciary.

1112. By Mr. JARMAN: Memorial of the House of Representatives and the Senate of the State of Alabama by House Joint Resolution 38, resolving that the Congress of the United States is hereby memorialized to dedicate January 30, the birthday of Franklin Delano Roosevelt, as a national holiday; to the Committee on the Judiciary.

1113. By Mr. LEWIS: Petition of residents of the communities of Wellsville and East Liverpool, Ohio, urging that fair and just quotas of meat food products be allotted to this area; to the Committee on Banking and Currency.

1114. By Mr. PLUMLEY: Resolution adopted by the Vermont Rural Letter Carriers' Association, opposing the Federal tax on retired carriers' annuities; to the committee on Ways and Means.

1115. Also, resolution adopted by the Vermont Rural Letter Carriers' Association, opposing the Federal tax on retired carriers' annuities; to the Committee on Ways and Means.

## SENATE

MONDAY, JULY 23, 1945

(Legislative day of Monday, July 9, 1945)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor of the Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou who hast revealed Thyself as the guiding intelligence, may we realize how sacred and wonderful it is that we are privileged to take counsel with the God of all wisdom. May we hold our own wishes in abeyance until Thou dost declare Thy will.

We pray that our President and all the chosen representatives of our beloved country may be blessed with clear vision and undaunted courage as they share in the high and holy task of organizing the good will of the nations of the earth for a just and lasting peace.

Grant that we may never feel that this ideal of world peace is merely an illusion, and that it lies beyond the sphere of practical realization. God forbid that we should ever be guilty of those doubting and cynical tempers of mind which seek to persuade us that the gospel of the Prince of Peace is too beautiful and good to have been true in the past, and too frail and fanciful to become true in our day, or in the future.

Give us the rapture of the forward look, and the courage to believe that the prospects for its final triumph are as glorious as the promises of God Omnipotent. Lord, we believe; help Thou our unbelief. In Christ's name. Amen.

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, July 21, 1945, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On July 16, 1945:

S. 134. An act for the relief of Ida E. Laurie and Zella Rickard;

S. 233. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River;

S. 234. An act authorizing the construction of a free highway bridge across the Yellowstone River near Fairview, Mont.;

S. 574. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River in Clatsop County, Oreg.;

S. 672. An act for the relief of the legal guardian of Clifton R. Weir; and

S. 956. An act for the relief of Mr. and Mrs. Stephen E. Sanders.

On July 17, 1945:

S. J. Res. 31. Joint resolution relating to the appropriation for the roofs and skylights over the Senate and House wings of the Capitol, and for other purposes.

#### MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 163. An act to amend section 8 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," approved July 13, 1943;

H. R. 246. An act for the relief of L. S. Strickland;

H. R. 795. An act for the relief of the duly appointed receiver of North Jersey Utilization and Sewerage Disposal Plant, Inc., or to such other person or persons as are legally authorized to collect the assets thereof;

H. R. 838. An act for the relief of Herman Gelb;

H. R. 952. An act for the relief of the Morgan Creamery Co.;

H. R. 1245. An act for the relief of John F. Davis;

H. R. 1301. An act for the relief of Madeline Winter and Ethel Newton;

H. R. 1346. An act for the relief of Alaska D. Jennette;

H. R. 1466. An act for the relief of Sam D. Moak;

H. R. 1595. An act for the relief of the Borough of Beach Haven, Ocean County, N. J.;

H. F. 1856. An act for the relief of Southwestern Drug Co.;

H. R. 2226. An act for the relief of Hugh P. Gunnell and Mrs. Dezaree Gunnells;

H. R. 2235. An act to authorize the Secretary of Agriculture to grant and convey to Springfield Township, Montgomery County, Pa., certain lands of the United States in Springfield Township, Montgomery County, Pa., for highway purposes and for ornamental-park purposes;

H. R. 2522. An act to authorize the Secretary of State to continue to completion the collecting, editing, and publishing of official papers relating to the Territories of the United States;

H. R. 2529. An act for the relief of Earl J. Shows;

H. R. 2581. An act to amend the act entitled "An act to provide for the issuance of devices in recognition of the services of merchant sailors," approved May 10, 1943 (57 Stat. 81), and for other purposes;

H. R. 2621. An act for the relief of Haselden & Huggins Co.;

H. R. 2725. An act for the relief of Mrs. Lucile Manier, as administratrix of the estate of Joe Manier;

H. R. 2763. An act for the relief of Fred Crago;

H. R. 2866. An act for the relief of Mrs. Rita Cauvin Green;

H. R. 3111. An act to amend the act approved January 2, 1942, as amended, approved April 22, 1943, entitled "An act to provide for the prompt settlement of claims for damages occasioned by Army, Navy, and Marine Corps forces in foreign countries";

H. R. 3175. An act to confer jurisdiction upon the United States District Court for the Eastern District of South Carolina to determine the claim of Lewis E. Magwood;

H. R. 3314. An act to provide for the participation of the United States in the International Monetary Fund and the International Bank for Reconstruction and Development;

H. R. 3417. An act for the relief of Clarence J. Spiker and Fred W. Jandrey;

H. R. 3419. An act for the relief of Mrs. Mary Karalis; and

H. R. 3633. An act to facilitate reconversion, and for other purposes.

#### RECONSTRUCTION OF SENATE AND HOUSE ROOFS AND SKYLIGHTS—AP- POINTMENT OF SENATE COMMITTEE

The PRESIDENT pro tempore. Under the provisions of Public Law No. 155 (S. J. Res. 31) relating to the appropriation for the roofs and skylights over the Senate and House wings of the Capitol, and for other purposes, approved July 17, 1945, the Chair appoints as the committee for the approval of plans for carrying out the project insofar as it affects the

Senate wing of the Capitol the following Senators, namely, the Senator from Florida [Mr. ANDREWS], the Senator from Virginia [Mr. BYRD], the Senator from Rhode Island [Mr. GREEN], the Senator from Michigan [Mr. VANDENBERG], and the Senator from Ohio [Mr. TAFT].

UNITED NATIONS CHARTER AND BRETTON WOODS AGREEMENTS—LETTER FROM WASHINGTON (D. C.) COUNCIL OF CHURCH WOMEN

Mr. CAPPER. Mr. President, I have received a letter from the Washington Council of Church Women, of Washington, D. C., informing me of the action of their organization which, on July 6, went on record with an endorsement of the United Nations Charter and also the Bretton Woods agreements, as follows:

THE WASHINGTON COUNCIL  
OF CHURCH WOMEN,  
Washington, D. C., July 14, 1945.

HON. ARTHUR CAPPER,  
Senate Office Building, Washington, D. C.  
MY DEAR SENATOR CAPPER: May we call to your attention the following action taken by the executive board of the Washington Council of Church Women at a meeting July 6.

On recommendation of the world relations committee, the executive board of the Washington Council of Church Women endorses the United Nations Charter and urges its adoption by the United States Senate.

The council also urges the endorsement of the Bretton Woods agreement without any crippling amendments.

Very sincerely yours,  
ELIZABETH F. KETCHUM,  
Mrs. Irving W. Ketchum,  
President.

LIDA C. LUECK,  
Mrs. Charles G. Lueck,  
Corresponding Secretary.  
RUTH W. STAPLES,  
Mrs. Laurence C. Staples,  
Chairman, World Relations Committee.

Mr. President, I ask unanimous consent to present the letter I have just read and that it be appropriately referred.

There being no objection, the letter presented by Mr. CAPPER was received and ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

S. 1064. A bill to authorize the discharge of midshipmen from the United States Naval Academy by the Secretary of the Navy because of unsatisfactory conduct or aptitude; without amendment (Rept. No. 508);

S. 1076. A bill to provide for the reimbursement of certain Navy personnel and former Navy personnel for personal property lost or destroyed as the result of a fire which occurred on the naval station, Tutulla, American Samoa, on October 20, 1943, without amendment (Rept. No. 509);

S. 1102. A bill to reimburse certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire at the United States naval convalescent hospital, Banning, Calif., on March 5, 1945; without amendment (Rept. No. 510);

S. 1103. A bill to reimburse certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire in Quonset hut No. 2, Hamoaze House, Plymouth, Devon, England, on December 31, 1944; without amendment (Rept. No. 511);

S. 1118. A bill for the relief of First Lt. Jack Sanders, United States Marine Corps Reserve,

for the value of personal property destroyed as the result of an explosion at Camp Lejeune, N. C., on January 22, 1945; without amendment (Rept. No. 512);

S. 1119. A bill to reimburse certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire in building No. 146 at the naval operating base, Bermuda, on April 23, 1945; without amendment (Rept. No. 513);

S. 1134. A bill to reimburse certain Navy and Marine Corps personnel and former Navy and Marine Corps personnel for personal property lost or damaged as the result of a fire in buildings 102 and 102-A, in Utulei, Tutulla, American Samoa, on August 17, 1944; without amendment (Rept. No. 514);

S. 1135. A bill to reimburse certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire at the naval auxiliary air station, Pungo, Norfolk, Va., on February 13, 1945; without amendment (Rept. No. 515); and

S. 1215. A bill to reimburse certain Marine Corps personnel and former Marine Corps personnel for personal property lost in the disaster to the steamship *Maasdam* on June 26, 1941; without amendment (Rept. No. 516).

By Mr. BYRD, from the Committee on Rules:

S. Con. Res. 17. Concurrent resolution providing for a study by a joint congressional committee of educational facilities, living quarters, and other matters relating to pages employed by the two Houses of Congress; with amendments (Rept. No. 517).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 21, 1945, he presented to the President of the United States the following enrolled bills:

S. 592. An act for the relief of the estate of James Arthur Wilson, deceased;

S. 714. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", as amended; and

S. 1270. An act relating to the payment of subsidies by the Commodity Credit Corporation and the Reconstruction Finance Corporation.

BILLS AND JOINT RESOLUTION  
INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BYRD:

S. 1293. A bill to preserve breeding stocks and prevent starvation and disease among waterfowl along their flyways, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. DOWNEY:

S. 1294. A bill for the relief of Mr. and Mrs. Allan F. Walker; to the Committee on Claims.

S. 1295. A bill to incorporate the National Committee for All War Widows, and for other purposes; to the Committee on the Judiciary.

By Mr. KILGORE:

S. 1296. A bill for the relief of John A. Hatcher; to the Committee on Claims.

(Mr. KILGORE (for himself, Mr. JOHNSON of Colorado, and Mr. PEPPER) introduced Senate bill 1297, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

(Mr. MURRAY introduced Senate bill 1298, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

By Mr. MEAD:

S. 1299. A bill for the relief of Constantin Theophilus, alias Gus Phillips; to the Committee on Immigration.

By Mr. McCLELLAN:

S. J. Res. 87. Joint resolution requesting the President to issue a proclamation designating the 31st day of October of each year as National Arthritis Day; to the Committee on the Judiciary.

NATIONAL SCIENCE FOUNDATION

Mr. KILGORE. Mr. President, on behalf of myself, the Senator from Colorado [Mr. JOHNSON], and the Senator from Florida [Mr. PEPPER], I ask unanimous consent to introduce a bill to establish a National Science Foundation, and to make a brief explanatory statement of it.

The PRESIDENT pro tempore. Without objection, the Senator may proceed.

Mr. KILGORE. Mr. President, this bill will enable the United States to become the preeminent scientific Nation of the world, no longer dependent on and subordinated to German scientific leadership, as we were at the outset of the war. It embodies principles which the Subcommittee on War Mobilization of the Senate Military Affairs Committee, on the basis of extensive studies made over the past 2 years, has set up as desirable in any legislation aimed at meeting the postwar scientific needs of the Nation. These principles are analyzed in detail in a summary report by the Subcommittee on the Government's Wartime Research and Development, 1940-44, issued today.

Specifically, the bill seeks to create a central scientific agency of the Federal Government—a National Science Foundation—which will:

First. Provide for an increase above prewar levels in the Government's support of research and development in fields that are predominantly in the public interest, particularly national defense, health and medical science, and the basic sciences.

Second. Provide for an efficient coordination of Government-supported research activities.

By "coordination" there is meant coordination in the dissemination of information between agencies, which has been woefully lacking in the past, one agency working partly on a subject when another agency has really solved the problem and has the information.

Third. Stimulate a general expansion in research by private organizations and institutions.

Fourth. Promote a wider flow of scientific and technical information which may be useful to industry and agriculture and business, particularly small enterprises.

Fifth. Encourage a rapid introduction and full use of scientific discoveries and the most advanced techniques and inventions.

Sixth. Encourage the training of new scientific talent through a system of research fellowships and scholarships.

A central scientific agency with a focus as broad as this is essential, we believe, if the Nation is to solve the problems of reconverting its research resources from war to peace and at the same time make certain that scientific research in the postwar period will be maintained at a sufficiently high level in the interests of national security.



For the information of the Senate, let me say that the records show that direct appropriations for wartime research alone approach \$3,000,000,000, which probably is more than was spent by the Nation in its entire previous history, and all occasioned by the fact that heretofore we have not spent sufficient money on research. Just as in the case of a private foundation, the proposed foundation would not perform any research or development itself. Instead, it would make funds for this purpose available to other organizations, public or private, which are already staffed or equipped to do so.

The bill recognizes the special importance of research for national defense and for health and medical science, and special provisions are made for Federal support of scientific activity in these two areas of acknowledged public concern.

I call attention to the many inventions which have been developed as a result of this war, such as penicillin, the use of sulfa drugs, and other things which have been devised to save human life in the war. Why must we wait for a war to get such results? Why not get them in peacetimes, under normal conditions?

In accompanying statements the Senator from Colorado [Mr. JOHNSON] will comment more fully on the significance of national defense research, and the Senator from Florida [Mr. PEPPER] on the importance of medical research.

Much study, Mr. President, has already gone into the drafting of this bill. Back in the closing months of the Seventy-seventh Congress, the Subcommittee on War Mobilization, of which I am the chairman and the Senator from Colorado [Mr. JOHNSON] is an active member, began its investigations of the wartime mobilization of scientific personnel and facilities. In the Seventy-eighth Congress the subcommittee held a comprehensive series of hearings enlarging its scientific and technical investigations. Particular attention was given to S. 702, a bill to establish an Office of Scientific and Technical Mobilization. Many of the objectives of this earlier bill have been achieved by administrative action under the War Powers Act, although no legislation was enacted; but the results of the hearing made themselves felt by Presidential directives.

Last year the subcommittee made a questionnaire survey of the forty-odd Government agencies and bureaus concerned with research and development. Individual reports by each of these agencies appeared in part I of the subcommittee's report on the Government's Wartime Research and Development, 1940-44, issued January 23, 1945.

The bill owes much also to the studies and findings of the Senate Committee on Wartime Health and Education, headed by the distinguished Senator from Florida [Mr. PEPPER], and to the various scientists and research authorities and Government officials who were invited to criticize preliminary drafts. We have also exchanged materials with Dr. Vannevar Bush, of the Office of Scientific Research and Development, whose report to the President, released on Thurs-

day of last week, likewise recommends the creation of a central scientific agency of the Federal Government with funds and authority to support research on a broadly inclusive scale.

Despite all the study which has been given to this bill in its preparation, we believe that further careful consideration of the general problem of postwar research and development is needed. Recently several other bills of a similar nature have come before the Senate. House bill 3440, which passed the House practically without investigation, came to the Senate and has been referred to the Senate Naval Affairs Committee and thence to the Military Affairs Committee, would authorize appropriations for national defense to be made direct to the National Academy of Sciences, operating under a congressional charter since 1863 but not responsible to either the President or the Congress; not a governmental agency, merely the incorporation of an academy by Federal act, but with no responsibility directly to the Government.

S. 825, also pending in the Naval Affairs Committee, would establish instead a research committee for national defense as the responsible operating unit. S. 1285, which has been referred to the Commerce Committee, takes a broader approach, not being restricted to national-defense research alone; it differs in several respects from the bill we are introducing today, notably as to organization of the over-all agency and as to use of research findings.

In requesting that our bill be referred to the Military Affairs Committee, it is our hope that arrangements can be made for joint hearings so that the issues presented by these different bills can be clarified and agreement reached at an early date on the scope of research needed in the interest of national security and also on the details of organization and administration so essential to the success of any national program of scientific research. We are confident that such cooperation and study among interested groups in the Senate will enable us to take the wisest course in the general interest.

For that purpose, Mr. President, we request that the bill be sent first to the Committee on Military Affairs, before which there are already three bills pending along this line.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred to the Committee on Military Affairs, as requested by the Senator from West Virginia.

The bill (S. 1297) to promote the progress of science and the useful arts, to secure the national defense, to advance the national health and welfare, and for other purposes, introduced by Mr. KILGORE (for himself, Mr. JOHNSON of Colorado, and Mr. PEPPER), was read twice by its title and referred to the Committee on Military Affairs.

Mr. KILGORE. I now yield the floor to the Senator from Colorado [Mr. JOHNSON].

Mr. JOHNSON of Colorado. Mr. President, I am glad to join with the Senator from West Virginia [Mr. KILGORE] and the Senator from Florida [Mr. PEPPER] in

introducing a bill to establish a national science foundation. This is a matter in which I am tremendously interested and have been for a long time. I cannot over-emphasize its importance and especially its importance to national defense.

Mr. President, we have had scientific research for the common defense since this country began as Colonies. Were this not true, there would be no United States of America. The important thing to remember is that the technological advances which brought us military victories were very seldom the result of consciously planned military research. To the contrary, it was an accident dependent entirely upon the circumstance that the American is creative by nature.

Throughout our early history, firearms were used primarily for procuring food. The Revolution was fought with crude muzzle-loading flintlocks which were useful in the hands of our export hunters. The single-shot breech-loading rifles were introduced in the Civil War. The late Indian wars were fought with Winchester repeaters and Colt revolvers, both of which came in after the Civil War.

General Patton said that the most useful weapon we had in Europe in this war was the 2½-ton truck. The truck was our weapon of supply, which enabled us to make great sweeps in a war of movement.

My point is, that we cannot consciously set up something called national-defense research, build a high corral fence around it, and isolate it from other scientific and technical developments. Most of the really important advances in the science of warfare have come from civilians.

The kids who learned to drive in the mountains of West Virginia and Colorado and on the sands of Florida won this battle of supply on the sands of Africa and in the mountains of Italy and France. They were technicians and mechanics before they were drafted. The kids who tinkered with radios are the radio and radar experts of this war. We had developed unconsciously a Nation of mechanics who were ready for a mechanized war.

That is why I think the National Science Foundation bill is better than some of the other bills which attempt to build a fence around research for national defense. If you spread the benefits of research, and have a Nation equipped with all kinds of technical know-how and with plenty of scientific curiosity, it is no trick to take a boy, put him in uniform, and give him a quick veneer of Army or Navy training. When he grows up with gadgets he can apply them to warfare without difficulty or delay.

We cannot afford as a Nation to skimp on our technology, if we remember the lessons of this technological war. The Germans did not skimp on their technology. With a little more time they could have been dropping V-bombs on us here in the Capitol.

We have a lot of new things growing out of this war that we need to use and develop if we are to be prepared for every eventuality.

After the last war we had a lot of daredevil barnstormers traveling over the country, doing stunts and selling

plane rides. They risked their necks, but they taught us a lot about aviation, and they carried flying to every hamlet and cow pasture in the country. After this war we must have thousands of jet-plane fliers and jet-plane researchers endeavoring to grasp this new principle of propulsion in all of its phases and thereby develop it.

I feel, Mr. President, that I can speak with some authority on military aviation development. I introduced a bill in this Chamber as early as January 1937, calling for an annual production of 10,000 planes and the training of 100,000 aviators. The War and Navy Departments would not even consider such a proposition then; they said "it is utterly fantastic." I feel now, in 1945, Mr. President, that I can speak up for the jet-plane barnstormers of the 1950's.

I am looking at this thing, Mr. President, from the standpoint of national defense. We must have more and more technology for national defense—no war has ever been as technological as this one. But I repeat, Mr. President, that most of our significant wartime inventions have come from civilians. We cannot build a fence around national-defense research and isolate it and operate it alone. It can flourish only with a steady infusion of ideas from the outside.

All-out research will prepare us for a prosperous peace, and it will at the same time prepare us for all-out war, which I fervently hope will never come to us again.

That is why, Mr. President, I have thought it wise to join with the Senator from West Virginia [Mr. KILGORE] and the Senator from Florida [Mr. PEPPER] in sponsoring this bill to establish a National Science Foundation.

Mr. PEPPER. Mr. President, I am greatly honored to be associated in the introduction of proposed legislation relative to medical and general scientific research, about which the able Senator from West Virginia [Mr. KILGORE] and the able Senator from Colorado [Mr. JOHNSON] have just spoken.

Mr. President, medical scientists have achieved a spectacular record in this war. I do not need to describe to you the miracles which have been made possible by the development and use of penicillin, the sulfa drugs, new vaccines, blood substitutes, and many other discoveries of the past few years. Many of them were developed during the war when they could have been developed before the war if we had spent the same time and money at that time as Germany did, for example.

In the field of medical research this wartime experience has demonstrated convincingly the value of scientific mobilization and coordinated effort for this country. Never again must we be dependent on the medical research secrets formerly so closely guarded by Germany.

It was one of the deepest wishes of Franklin D. Roosevelt to organize a program for continuing in the future the work which has been done in medicine and related sciences. In his letter of last November to Dr. Vannevar Bush, Director of the Office of Scientific Research and Development, requesting him

to make recommendations toward the utilization of the information, techniques, and research experience of that office in the days of peace ahead, and in several conversations with me, President Roosevelt emphatically declared his special concern with continued research in medicine and the related sciences.

Medical research is one of the foundation stones of any program dedicated to national health and to the prevention and cure of disease and disability. It was so considered in a recent report of the Subcommittee on Wartime Health and Education—January 1945—of which I have the honor of being chairman. It was so recognized in a special hearing on medical research held by this same committee in December 1944. Some of the most distinguished and renowned scientists in the medical field testified at that time to the amazing results achieved during the war and to the vital necessity of continuing this work into the peace time years.

The great problems wanting solution in the field of medical research concern diseases which not only are the great killers of our people, but numerically more important, are the great disablers of our people. In large part, these problems will require long-term research. Heart disease, diseases of the blood vessels and kidneys, cancer, tuberculosis, arthritis, mental disease, the common cold, Mr. President—these and many more deserve the fullest mobilization and coordination of our scientific resources to conquer and control.

I might add, Mr. President, what may be called the diseases of old age. Any of us who have seen our loved ones falling into the grave as we stood by powerless to hold them back can appreciate what it would mean to lengthen their rich years by effective research in the field of old age itself.

In a recent article on medical research which was published in the New York Times of April 10, 1945, our committee stated that "the estimated total expenditures for profit-making industrial research by American corporations reached the astronomical figure of \$275,000,000 in 1941—over 55 times the amount granted for nonprofit medical research by American foundations the year previous."

Mr. President, during the year 1940 nearly 165,000 people died of cancer in the United States; over 536,000 died of diseases of the heart and arteries, and about 107,000 died of diseases of the kidneys. These three major types of diseases accounted for nearly 57 percent of the deaths in 1940. Yet, the sum of only \$493,815—less than 62 cents per death—was granted in 1940 for research into the causes and treatment of these diseases by American philanthropic foundations, the main prewar source of medical research funds.

Money is desperately needed for medical research, Mr. President, but almost more than that, security and long-term incentives and organization are needed for men and women who are working in the field.

Short-term grants for research and bare subsistence salaries or fellowships were the rule in the large proportion of medical research supported by philan-

thropic foundations. While this is made necessary by their limited funds and facilities, it threatens the whole future of medical research and development. Experience has shown that a very large number of the ablest men leave the field for want of continued employment opportunities after only 3 to 5 years of research.

This Nation, Mr. President, with relatively little expenditure, can mobilize fully for the war against disease. It is a constant, unrelenting war. It will not end in unconditional surrender.

The bill which Senators KILGORE, JOHNSON, and I have introduced today provides the method and means for mobilization in respect to scientific research. In the field of medical research a committee of nine outstanding men will have the responsibility for carrying on into the peacetime years the functions and the splendid record of the Committee on Medical Research of the Office of Scientific Research and Development.

They will have at their disposal 20 percent of the funds to be appropriated to the National Science Foundation—funds available for scholarships, fellowships, and contractual research projects. They will not be limited in their assignment of funds by the necessities of war. These funds are intended to encourage the increase of medical knowledge in the pure scientific sense no less than in the purposive and applied fields, to the end that the war against disease, disability, deformity, and death will year by year show gains for health and comfort and security among all the people of this great land.

The association of medical research with other branches of science in the National Science Foundation is a natural and profitable one. In many areas the distinction between medical and other research fields such as chemistry and physics is difficult to draw. Many areas overlap and present particular problems which may require the contributions of several groups entirely outside the field of medical research as we would think of it.

I visualize the medical committee as working very closely with the defense committee, for example, on specialized military problems involving health and medical care, and as working in harmony and mutual benefit with other special committees of distinguished scientists in every field.

Finally I would like to call the Senate's particular attention to title III of this bill, which, to my mind, is as important as the granting of funds. Title III provides for the survey of Federal scientific activity and use and dissemination of research findings. In all the fields involving medicine this title, in my opinion, will work immensely to the advantage of both the research workers and the public, by assuring wide and prompt availability of scientific discoveries and developments in the best interest of the Nation and the advancement of its security, health, and welfare.

Many months of study, consultation, and labor have gone into the drafting of this bill. I commend it to your attention and urge its early enactment.



I should like to say further, Mr. President, that I could not stand as I do in such close proximity to the able Senator from New York [Mr. WAGNER] and the able Senator from Montana [Mr. MURRAY], who have taken such a pioneering part for so long in the field of public health, without acknowledging not only my debt but the debt of the Nation and the Congress to those splendid men for their effort to find some way by which the people of this country can have access to hospitals and to medical and dental care, and by which there may be made available to them the genius of American research in the prevention of premature death and the projection of life into its maximum potentiality and enjoyment.

This bill attacks the problem of research upon three fronts: In the general field of natural science, in the field of national defense, and in the field of medicine, of research to provide medical means by which lives may be enriched, made more happy and prolonged.

Mr. President, I hope the bill may find a responsive reception in the minds and hearts of the Senate, of the House, and of the country.

Mr. THOMAS of Utah. Mr. President, first of all I should like to make a remark in keeping with the remarks which have been made by the Senator from West Virginia [Mr. KILGORE], the Senator from Colorado [Mr. JOHNSON], and the Senator from Florida [Mr. PEPPER] in regard to research. These efforts have now culminated in the recognition by the whole country of the fact that we are backward in certain respects. Every great effort must have a beginning. It is in that spirit that I should like to point out, having sponsored many bills in the past relating to these subjects, that a year ago we enacted a codification of the United States Public Health Service laws, and in that act there was provision for grants-in-aid to the various States, or to institutions, for carrying on medical research. I am sure the Senator from Florida is familiar with the fact that the first grant-in-aid for this purpose was given just lately by the Congress.

#### ESTABLISHMENT OF OFFICE OF UNDER SECRETARY OF LABOR, ETC.

Mr. MURRAY. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill to establish an office of Under Secretary of Labor, and so forth.

The bill which I am introducing at the request of the Secretary of Labor provides for the establishment in the Department of Labor of an office of Under Secretary of Labor and for the establishment of three offices of Assistant Secretary of Labor. It abolishes the existing offices of Assistant Secretary of Labor and Second Assistant Secretary of Labor.

At the present time the Department of Labor is the only executive department headed by an officer whose title includes the word "secretary" for which the law does not provide an Under Secretary. The Secretary of Labor has advised me that he believes that the Department should be provided with an

Under Secretary in order to enable it to perform efficiently its existing functions and any which it may be given. The bill therefore authorizes the appointment of an Under Secretary of Labor and provides that he shall perform such duties as may be prescribed by the Secretary of Labor or required by law. The Under Secretary would be the principal subordinate of the Secretary and, in case of the death, resignation, or removal from office of the Secretary, would perform the duties of the Secretary until a successor should be appointed. In case of the absence or sickness of the Secretary, the Under Secretary would perform the duties of the Secretary until such absence or sickness should terminate.

As indicated above, the bill provides for the establishment of three offices of Assistant Secretary of Labor. Each of the Assistant Secretaries of Labor would be appointed by the President, by and with the advice and consent of the Senate, and would perform such duties as may be prescribed by the Secretary of Labor or required by law. Existing law provides for an Assistant Secretary of Labor and a Second Assistant Secretary of Labor. These officials are appointed by the President but do not require Senate confirmation. The Secretary of Labor has stated in a letter to me that he is of the opinion that departmental officials who exercise major policy-making functions should be appointed only after Senate confirmation. I agree with the view expressed by the Secretary. For that reason, the bill after providing for the three offices of Assistant Secretary of Labor, abolishes the existing offices of Assistant Secretary of Labor and Second Assistant Secretary of Labor, and repeals the laws providing for such offices.

There being no objection, the bill (S. 1298) to establish an office of Under Secretary of Labor, and three offices of Assistant Secretary of Labor, and to abolish the existing office of Assistant Secretary of Labor and the existing office of Second Assistant Secretary of Labor, was received, read twice by its title, and referred to the Committee on Education and Labor.

#### WATER SUPPLY BELOW BOULDER DAM—SUPPLEMENTAL DATA (PT. 2 OF S. DOC. NO. 39)

Mr. McCARRAN. Mr. President, during the discussion of the treaty relating to the waters of the Colorado River there was printed what is known as Senate Document No. 39. The document related to the waters of the Colorado River below Boulder Dam. We now have a supplement to that instrument, and I ask unanimous consent that it may be printed as a Senate document, as a supplement to Senate Document No. 39.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE CHALLENGE OF PEACETIME ABUNDANCE—ARTICLE BY HON. O. MAX GARDNER

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article entitled "The Challenge of Peacetime Abundance," written by Hon. O. Max Gardner, and published in the Sunday magazine of

the New York Times of July 8, 1945, which appears in the Appendix.]

#### INVESTIGATION OF GERMAN OPTICAL GOODS INDUSTRIES

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a statement by a joint committee of the optical manufacturers of the United States and the United Electrical Radio and Machine Workers Union, requesting an investigation of German optical-goods industries, which appears in the Appendix.]

#### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Commerce. (For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. MURRAY, from the Committee on Education and Labor:

Dr. Paul H. Nystrom, of New York, to be a member of the Federal Board for Vocational Education for a term expiring July 17, 1948. (Reappointment.)

By Mr. McCARRAN, from the Committee on the Judiciary:

Ray J. O'Brien, of Hawaii, to be United States attorney for the Territory of Hawaii, vice G. Douglas Crozier, resigned.

By Mr. WALSH, from the Committee on Naval Affairs:

Vice Admiral Robert C. Giffen, United States Navy, to be a vice admiral in the Navy, for temporary service, to continue until his detachment from duty as commander, service force, United States Atlantic Fleet, to rank from the 14th day of May 1944;

Vice Admiral Alan G. Kirk, United States Navy, to be a vice admiral in the Navy, for temporary service, to rank from the 10th day of September 1944;

Capt. Oswald S. Colclough, United States Navy, to be a rear admiral in the Navy, for temporary service, to continue while serving as Assistant Judge Advocate General;

Capt. James M. Shoemaker, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander, naval air bases, Philippines, and until reporting for other permanent duty;

Capt. Ben H. Wyatt, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as an island commander in the Pacific Ocean area, and until reporting for other permanent duty;

Capt. Richard R. McNulty, United States Naval Reserve, to be a commodore in the Naval Reserve, for temporary service, to continue while serving as supervisor, United States Merchant Marine Cadet Corps;

Col. Ford O. Rogers to be a brigadier general in the Marine Corps, for temporary service, from the 25th day of November 1943; and Col. Byron F. Johnson to be a brigadier general in the Marine Corps, for temporary service, from the 27th day of January 1945.

The PRESIDENT pro tempore. If there be no further reports of committees, the calendar will be in order.

## THE CHARTER OF THE UNITED NATIONS

Executive D, Seventy-ninth Congress, first session, was announced as first in order on the Executive Calendar.

Mr. BARKLEY. I ask unanimous consent that Executive D, Seventy-ninth Congress, first session, and Executive E, Seventy-ninth Congress, first session, be temporarily passed over and that the Senate proceed to the consideration of Executive F, Seventy-ninth Congress, first session, that being the United Nations Charter.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive F.

Mr. CONNALLY obtained the floor.

The PRESIDENT pro tempore. Before the Senator from Texas begins his remarks the Chair will state that the next step under the rule in reference to treaties is the second reading, which, if there be no objection, may be by title only, instead of at length. Is there objection to this procedure?

Mr. BARKLEY. That is that the treaty be read by title only?

The PRESIDENT pro tempore. By title only. Is there objection? The Chair hears none, and it is so ordered.

The treaty, Executive F, Seventy-ninth Congress, first session, the Charter of the United Nations, with the Statute of the International Court of Justice annexed thereto, formulated at the United Nations Conference on International Organization and signed at San Francisco on June 26, 1945, was read the second time by its title.

The PRESIDENT pro tempore. The charter is before the Senate as in Committee of the Whole.

Mr. BARKLEY. There is one other technical proceeding that we might dispose of. Under the rules a treaty is supposed to be read article by article. Inasmuch as the Committee on Foreign Relations has proposed no amendment to the charter and inasmuch as any Senator may offer one at any time, regardless of the usual procedure, I ask unanimous consent that the rule be dispensed with requiring that the charter be considered article by article.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

The Charter of the United Nations, with the Statute of the International Court of Justice annexed thereto, formulated at the United Nations Conference on International Organization and signed at San Francisco on June 26, 1945, is as follows:

## CHARTER OF THE UNITED NATIONS

We the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind; and

To reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small; and

To establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; and

To promote social progress and better standards of life in larger freedom; and for these ends to practice tolerance and live together in peace with one another as good neighbors; and

To unite our strength to maintain international peace and security; and

To ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest; and

To employ international machinery for the promotion of the economic and social advancement of all peoples; have resolved to combine our efforts to accomplish these aims.

Accordingly our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

## CHAPTER I. PURPOSES AND PRINCIPLES

## ARTICLE 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end; to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

## ARTICLE 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially

within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## CHAPTER II. MEMBERSHIP

## ARTICLE 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

## ARTICLE 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

## ARTICLE 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

## ARTICLE 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

## CHAPTER III. ORGANS

## ARTICLE 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

## ARTICLE 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV. THE GENERAL ASSEMBLY  
Composition

## ARTICLE 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

## Functions and Powers

## ARTICLE 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any orders provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

## ARTICLE 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing



disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

#### ARTICLE 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

#### ARTICLE 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;
- b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapter IX and X.

#### ARTICLE 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

#### ARTICLE 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

#### ARTICLE 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it

under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

#### ARTICLE 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

#### Voting

#### ARTICLE 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

#### ARTICLE 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

#### Procedure

#### ARTICLE 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convened by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

#### ARTICLE 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

#### ARTICLE 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

#### CHAPTER V. THE SECURITY COUNCIL

#### Composition

#### ARTICLE 23

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of

international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The nonpermanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate reelection.

3. Each member of the Security Council shall have one representative.

#### Functions and Powers

#### ARTICLE 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

#### ARTICLE 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

#### ARTICLE 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

#### Voting

#### ARTICLE 27

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

#### Procedure

#### ARTICLE 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

#### ARTICLE 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

#### ARTICLE 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

#### ARTICLE 31

Any Member of the United Nations which is not a member of the Security Council

may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

## ARTICLE 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

## CHAPTER VI. PACIFIC SETTLEMENT OF DISPUTES

## ARTICLE 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

## ARTICLE 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

## ARTICLE 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

## ARTICLE 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

## ARTICLE 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

## ARTICLE 38

Without prejudice to the provisions of Article 33 to 37, the Security Council may, if all

the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

## CHAPTER VII. ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

## ARTICLE 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

## ARTICLE 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

## ARTICLE 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

## ARTICLE 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

## ARTICLE 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

## ARTICLE 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

## ARTICLE 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree

of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

## ARTICLE 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

## ARTICLE 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

## ARTICLE 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

## ARTICLE 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

## ARTICLE 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

## ARTICLE 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

## CHAPTER VIII. REGIONAL ARRANGEMENTS

## ARTICLE 52

1. Nothing in the present Charter precludes the existence of regional arrangements



or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

#### ARTICLE 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

#### ARTICLE 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

### CHAPTER IX. INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

#### ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

#### ARTICLE 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

#### ARTICLE 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

#### ARTICLE 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

#### ARTICLE 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

#### ARTICLE 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

### CHAPTER X. THE ECONOMIC AND SOCIAL COUNCIL

#### Composition

#### ARTICLE 61

1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate reelection.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

#### Functions and Powers

#### ARTICLE 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

#### ARTICLE 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

#### ARTICLE 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling

within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

#### ARTICLE 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

#### ARTICLE 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

#### Voting

#### ARTICLE 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

#### Procedure

#### ARTICLE 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

#### ARTICLE 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

#### ARTICLE 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

#### ARTICLE 71

The Economic and Social Council may make suitable arrangements for consultation with nongovernmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

#### ARTICLE 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

### CHAPTER XI. DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

#### ARTICLE 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

#### ARTICLE 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

### CHAPTER XII. INTERNATIONAL TRUSTEESHIP SYSTEM

#### ARTICLE 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

#### ARTICLE 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

a. to further international peace and security;

b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and, subject to the provisions of Article 80.

#### ARTICLE 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

a. territories now held under mandate;

b. territories which may be detached from enemy states as a result of the Second World War; and

c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

#### ARTICLE 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

#### ARTICLE 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

#### ARTICLE 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

#### ARTICLE 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

#### ARTICLE 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

#### ARTICLE 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

#### ARTICLE 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end, the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations toward the Security

Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

#### ARTICLE 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

### CHAPTER XIII. THE TRUSTEESHIP COUNCIL

#### Composition

#### ARTICLE 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

a. those Members administering trust territories;

b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

#### Functions and Powers

#### ARTICLE 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

b. accept petitions and examine them in consultation with the administering authority;

c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

d. take these and other actions in conformity with the terms of the trusteeship agreements.

#### ARTICLE 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

#### Voting

#### ARTICLE 89

1. Each member of the Trusteeship Council shall have one vote.

2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

#### Procedure

#### ARTICLE 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

#### ARTICLE 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.



## CHAPTER XIV. THE INTERNATIONAL COURT OF JUSTICE

## ARTICLE 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

## ARTICLE 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

## ARTICLE 94

1. Each Member of the United Nations undertakes to comply with decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

## ARTICLE 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

## ARTICLE 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

## CHAPTER XV. THE SECRETARIAT

## ARTICLE 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

## ARTICLE 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

## ARTICLE 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

## ARTICLE 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively interna-

tional character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

## ARTICLE 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

## CHAPTER XVI. MISCELLANEOUS PROVISIONS

## ARTICLE 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

## ARTICLE 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

## ARTICLE 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

## ARTICLE 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article: may propose conventions to the Members of the United Nations for this purpose.

## CHAPTER XVII. TRANSITIONAL SECURITY ARRANGEMENTS

## ARTICLE 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

## ARTICLE 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a

result of that war by the Governments having responsibility for such action.

## CHAPTER XVIII. AMENDMENTS

## ARTICLE 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council.

## ARTICLE 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

## CHAPTER XIX. RATIFICATION AND SIGNATURE

## ARTICLE 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

## ARTICLE 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF, the representatives of the Governments of the United Nations have signed the present Charter.

Done at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

## STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

## ARTICLE 1

The International Court of Justice established by the Charter of the United Nations

as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

#### CHAPTER I. ORGANIZATION OF THE COURT

##### ARTICLE 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

##### ARTICLE 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

##### ARTICLE 4

1. The members of the Court shall be elected by the General Assembly, and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

##### ARTICLE 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

##### ARTICLE 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

##### ARTICLE 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

##### ARTICLE 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

##### ARTICLE 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

##### ARTICLE 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and nonpermanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

##### ARTICLE 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

##### ARTICLE 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfills the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

##### ARTICLE 13

1. The members of the Court shall be elected for nine years and may be reelected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

##### ARTICLE 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision:

the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

##### ARTICLE 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

##### ARTICLE 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

##### ARTICLE 17

1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

##### ARTICLE 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

##### ARTICLE 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

##### ARTICLE 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

##### ARTICLE 21

1. The Court shall elect its President and Vice-President for three years; they may be reelected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

##### ARTICLE 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

##### ARTICLE 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

##### ARTICLE 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.



3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

#### ARTICLE 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

#### ARTICLE 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labor cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

#### ARTICLE 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

#### ARTICLE 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

#### ARTICLE 29

With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

#### ARTICLE 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

#### ARTICLE 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfill

the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

#### ARTICLE 32

1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their traveling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

#### ARTICLE 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

### CHAPTER II. COMPETENCE OF THE COURT

#### ARTICLE 34

1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

#### ARTICLE 35

1. The Court shall be open to the states parties to the present Statute.

2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

#### ARTICLE 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;

d. the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

#### ARTICLE 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

#### ARTICLE 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply—

a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

b. international custom, as evidence of a general practice accepted as law;

c. the general principles of law recognized by civilized nations;

d. Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

### CHAPTER III. PROCEDURE

#### ARTICLE 39

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

#### ARTICLE 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

#### ARTICLE 41

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which

ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

#### ARTICLE 42

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

#### ARTICLE 43

1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials, and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

#### ARTICLE 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

#### ARTICLE 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

#### ARTICLE 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

#### ARTICLE 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

#### ARTICLE 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

#### ARTICLE 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

#### ARTICLE 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

#### ARTICLE 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

#### ARTICLE 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

#### ARTICLE 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

#### ARTICLE 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.

3. The deliberations of the Court shall take place in private and remain secret.

#### ARTICLE 55

1. All questions shall be decided by a majority of the judges present.

2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

#### ARTICLE 56

1. The judgment shall state the reasons on which it is based.

2. It shall contain the names of the judges who have taken part in the decision.

#### ARTICLE 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

#### ARTICLE 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

#### ARTICLE 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

#### ARTICLE 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

#### ARTICLE 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

#### ARTICLE 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.

#### ARTICLE 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question,

the Registrar shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

#### ARTICLE 64

Unless otherwise decided by the Court, each party shall bear its own costs.

### CHAPTER IV. ADVISORY OPINIONS

#### ARTICLE 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

#### ARTICLE 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

#### ARTICLE 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

#### ARTICLE 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

### CHAPTER V. AMENDMENT

#### ARTICLE 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

#### ARTICLE 70

The Court shall have power to propose such amendments to the present Statute



as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

Mr. CONNALLY. Mr. President—  
Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gurney	Murray
Andrews	Hart	O'Daniel
Ball	Hatch	O'Mahoney
Barkley	Hawkes	Pepper
Bilbo	Hayden	Radcliffe
Briggs	Hickenlooper	Revercomb
Brooks	Hill	Robertson
Burton	Hoey	Russell
Bushfield	Johnson, Colo.	Saltonstall
Butler	Johnston, S. C.	Shipstead
Byrd	Kilgore	Smith
Capehart	La Follette	Stewart
Capper	Langer	Taft
Chandler	Lucas	Taylor
Chavez	McCarran	Thomas, Okla.
Connally	McClellan	Thomas, Utah
Cordon	McFarland	Tunnell
Donnell	McKellar	Vandenberg
Downey	McMahon	Wagner
Eastland	Maybank	Walsh
Ellender	Mead	Wheeler
Ferguson	Millikin	Wherry
Fulbright	Mitchell	White
George	Moore	Wiley
Green	Morse	Willis
Guffey	Murdock	Young

Mr. HILL. I announce that the senior Senator from Virginia [Mr. GLASS] is detained from the Senate by illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Pennsylvania [Mr. MYERS], the Senator from Louisiana [Mr. OVERTON], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], the Senator from Kansas [Mr. REED], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Iowa [Mr. WILSON] are absent on official business.

The Senator from Idaho [Mr. THOMAS] is absent because of illness.

The Senator from Vermont [Mr. AUSTIN] and the Senator from Delaware [Mr. BUCK] are necessarily absent.

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. CONNALLY. Mr. President, the Senate now has before it the question whether or not it will agree to the ratification of the United Nations World Organization set forth in the Charter recently adopted at San Francisco. It is not my purpose today to indulge in a general address on the Charter, its purposes and its provisions, for the reason that shortly after the close of the Conference at San Francisco, as chairman of the Committee on Foreign Relations I addressed the Senate at some length and in some detail respecting the instrument. My colleague, the senior Senator from Michigan [Mr. VANDENBERG] also made an extended address covering all aspects and features of the Charter. So it will not be my purpose to reiterate now the arguments or to point out matters in detail unless as the result of some interrogations or interruptions from other Senators. I wish merely briefly to recall the genesis of the United Nations Or-

ganization in behalf of peace which resulted in the construction of the Charter.

It will be recalled by many Senators that as long ago as 3 or more years—I do not recall the exact date, but a considerable time in advance of the resolution which the Senate adopted in November 1943—Secretary Hull, who has been outstanding in his efforts for international cooperation and for the creation of an international organization for peace, in agreement with the Committee on Foreign Relations of the Senate established contacts, and the Committee on Foreign Relations appointed a subcommittee of the committee consisting of eight Senators, four Republicans and four Democrats. We carried on consultations with Secretary Hull, with his staff, and through him, with the White House, over an extended period of time. I wish to say that the State Department in those consultations gave us access to all the documents which were available, and kept us advised as to all the angles and aspects of the foreign situation.

As a result of those conferences with the Secretary of State, the subcommittee referred to drafted a resolution which was presented to the Senate and adopted by this body on November 5, 1943, in which the Senate, by the overwhelming vote of 85 to 5, expressed the view that it approved the project of a world organization for peace and cooperation.

Mr. President, I feel that these preliminary steps gave tremendous impulse to this movement over the country. The public read in the press and heard over the radio of these transactions, and they were preparatory, as it were, for what was to follow.

It will be recalled that later President Roosevelt issued invitations to the Dumbarton Oaks Conferences. In those conferences four nations participated, the United Kingdom, the United States of America, and China. As a result of the Dumbarton Oaks Conferences there was an agreement upon the outlines, at least, the general principles, of a world organization for peace. A few matters were left undecided, such as the voting in the Security Council, but in the main the public were acquainted with the terms set forth in the Dumbarton Oaks proposals. The widest publicity was given to the sessions. They were held in Washington, and covered a period of several weeks. So that through that medium the public and the Senate were made generally acquainted with the objectives which were in mind.

I want to point out at this time that the Foreign Relations Committee, both in its entirety and in the subcommittee which operated under the direction of the committee, was wholly nonpartisan. I do not recall that there was ever a time when any partisan political considerations were entertained or advanced. We took the position, which we thought was the proper one, and which we think the Senate's position now is, that in foreign relations there was no place for party politics or for the various activities along those lines, but that in our dealings with foreign nations we should present a united front, we should present the national viewpoint and not the viewpoint

of any particular party seeking by maneuvering and by manipulation and by devices to gain some party advantage at the expense of our national welfare in our contacts with foreign nations.

Prior to the resolution adopted by the Senate, the Fulbright resolution was submitted in the House and was adopted by the House by an overwhelming vote. That was another indication that the country was coming to the view that it was necessary for the peace of the world that the United States cooperate with other nations in establishing and setting up machinery which would bring about cooperation and the settlement of disputes by peaceful means.

Senators will recall also that the party platforms, both the Republican and the Democratic Party platforms of 1944, contained declarations along these lines. I shall not now take up the time of the Senate by reading those particular platform declarations.

Following the Dumbarton Oaks proposals there was a meeting, as, of course, all Senators know, at Yalta in which the participating governments made agreements among themselves as to the voting formula in the Security Council. Of course, the heads of the governments had no legal or constitutional authority to make agreements that would be binding, but they made them with the idea that they would be submitted to any conference of an international character which might be called to consider the peace organization. These agreements were submitted to the Conference in San Francisco and were substantially agreed to.

Mr. President, I shall not consume the time of the Senate by rehearsing what transpired at San Francisco more than to say that 50 nations were represented there and that the Conference sat for 9 weeks. Many will say, "Why did it take so long?"

Mr. President, when it comes to getting 50 nations into agreement upon a document covering the wide field that this document covers, containing the various provisions that this document contains, it is no easy task. The Conference was split up into four separate commissions, each one having a specific jurisdiction and a field peculiar to itself. Each commission was in turn split up into committees. Commissions 1 and 4 had two committees each. Commissions 2 and 3 had four committees each. The committees dealt with particular branches of the major questions over which the commission had jurisdiction. The result was that there were 12 regular committees in addition to special committees.

A part of the organization of the Conference was the executive committee and the steering committee. The steering committee was composed of representatives of all of the 50 nations. The executive committee was a smaller committee, composed of members of the steering committee. These committees exerted a very great influence on the deliberations of the Conference though they had no independent authority, and their actions had to be approved by the plenary sessions of the Conference.

So the Senate can understand how each of these 12 committees was composed of 50 delegates. Upon each of the 12 committees every government had a representative. When Senators contemplate that we had literally hundreds of amendments offered by various delegates from the countries represented to all parts of the Charter, and when it is remembered that each one entailed debate and fervid oratory, sometimes the beating of breasts and the waving of flags, Senators can understand how so much of the time of the Conference was consumed. But it was not in vain. We have no objection to the full and free discussion of these questions in a conference of this character. We want to know the views of the nations represented. We want them to be able to express them freely and fully, and they were expressed freely and fully at San Francisco.

No one was denied a hearing. Only at the very last was any pressure whatever put upon the Conference as to debate. Secretary Stettinius, who was presiding, toward the end of the Conference did exhort committees to step up their work, but there was no limitation placed upon their debate or their right to free discussion.

Mr. President, as I have already expressed the intention, I am not now going to review the Charter and its framework. Every Senator present who has desired to do so has already become acquainted with the outstanding features of the Charter. But the Senate submitted this treaty to the Foreign Relations Committee, and it became the duty of the Committee on Foreign Relations to hold hearings in order to give the public and organizations and others interested an opportunity to appear before the committee and express their views. The committee undertook that task. I want to say, Mr. President, that no witness who applied for a hearing was denied a hearing before the committee. As I now recall, there were only two individuals who wanted to come who did not appear. The last day of the hearings we received two telegrams from some ladies in Chicago, saying that they were leaving that day on the train and would not be here until the following day, and, of course, the committee did not hear them because the hearings were completed. But every witness who was available, both for the Charter and those who were opposed to the Charter, had an opportunity to appear before the committee and express their views. We did in one or two instances have to impose a time limit. One individual telegraphed to me from Kentucky that he would like to appear, but that he could not conclude his testimony under at least 1 day, and preferably 3 days. Of course, we telegraphed back that we could not give him 3 days and he did not appear—not because we did not want to hear him, but we did not want to hear him 3 days. [Laughter.]

Mr. President, I now desire to make brief references to the results of those hearings. By the way, at this point I wish to say that in yesterday's Washing-

ton Post appeared a Gallup report. I will read the headline:

Gallup finds 20 to 1 in favor of Senate's ratifying treaty.

I would not place my entire faith in any poll since the Literary Digest passed out of existence following its prognostications respecting an election a few years ago; but still the result of this poll is an indication of the overwhelming sentiment of the American people in favor of the ratification of the treaty.

Mr. GREEN. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. GREEN. It might be worth while to call attention to the fact that the Gallup poll throughout the country corresponded exactly to the vote in the Foreign Relations Committee—20 to 1.

Mr. CONNALLY. I thank the Senator. I had some suspicions that the vote in the Foreign Relations Committee reflected public opinion, and the Senator now confirms it by referring to the expression of sentiment over the country.

Mr. President, I shall not read the entire list of organizations which appeared before the committee, because that would take considerable time. However, I should like unanimous consent to insert in the RECORD the entire list, showing both those for and against. I wish to be fair. I ask unanimous consent to have the entire list printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, the list will be printed in the RECORD as requested.

(See exhibit A.)

Mr. CONNALLY. Mr. President, I shall read only a few of the names on the list, but the list will be available to any Senator who wishes to examine it.

Among the organizations represented were the following:

American Association of University Women, with a membership of 73,300 throughout the country.

American Association for the United Nations, Inc., with 14 regional offices and 65 local committees.

Alpha Kappa Alpha Sorority, a national nonpartisan council on public affairs, with a membership of 6,000 university women.

American Farm Bureau Federation, with a million and a half members in 41 States.

American Federation of Labor, with 6,520,000 members.

The American Legion, through its accredited representatives, approved the ratification of the Charter. The Legion has a membership of 1,000,000 members, and an auxiliary membership of half a million.

Americans United for World Organization, which includes the memberships of six former organizations which merged to form this one.

Association of Childhood Education, with 2,800 members.

Brotherhood of Railroad Trainmen, with a membership of 196,000.

Central Conference of American Rabbis. The representatives of this organization personally appeared before the

Foreign Relations Committee. The organization has 530 members, 160 now serving as chaplains in the armed services.

Detroit Annual Conference of the Methodist Church. I understand that it is supposed to represent the eastern half of Michigan.

Educational Policies Commission, with 20 leaders.

Federal Council of Churches of Christ in America, with a membership of 25,000,000. The Federal Council of Churches of Christ in America submitted a statement, and also a telegram. At this point let me say that Mr. John Foster Dulles, who was one of the advisers to the American delegation, was a representative of the Federal Council of Churches of Christ in America, although he did not appear as such. In addition to his presence there, the representatives of the organization laid before the Senate committee the approval of the organization. Mr. Dulles rendered very distinguished and useful service to the American delegation.

General Federation of Women's Clubs, with 2,500,000 members in 16,500 clubs.

Girls Friendly Society of the United States, with 26,000 members.

National Board of Young Women's Christian Association, representing 622,000 members.

National Council of Jewish Women, representing 65,000 members.

National Education Association, with 271,847 active members, claiming to represent a great many other teachers who are not members of the organization.

National Federation of Business and Professional Women's Clubs, with 75,937 members.

National League of Women Voters, with 60,000 members.

National Women's Trade Union League of America, with 1,000,000 members.

Research Institute of America. I do not know the membership. Its products go to 30 companies and various Government agencies.

United Nations Council of Philadelphia, a local organization with 4,500 members.

United States Associates, International Chamber of Commerce.

Women's Action Committee for Victory and Lasting Peace, representing seven organizations.

National Association for the Advancement of Colored People, with 350,000 members. I hope some of my friends will take note of that. I congratulate that organization. I congratulate the representative of the organization who appeared before us, who was a well-educated colored man who expressed high views about public affairs.

National Woman's Christian Temperance Union, with 500,000 members.

Mr. Norman Thomas, of the Socialist Party, appeared, and, like some Senators, he was able to find a "t" that was not crossed, or a comma which ought to be a period. He found many such things, but he said that the Charter ought to be ratified because it was an advance, an approach to place the United States in



a position to cooperate with other nations. He stated that he hoped that the little details which he pointed out might be rectified in the future. Mr. Thomas is a man of wide culture and information, and great ability.

American Jewish Committee.

American League for Free Palestine.

Americans United for World Organization.

Aviation League of the United States.

Commission on World Peace of the Methodist Church.

We have also, Mr. President, a resolution of the governors who met at Mackinac Island only a short time ago, approving the Charter.

We have also before us a statement from the Congress of Industrial Organizations, with a membership of 5,500,000.

National Council of Farmer Cooperatives, with two and a half million farmer members.

National Council of Women of the United States, representing 20 national organizations.

Furthermore, Mr. President, we had the formal approval of the American Bar Association. The president of the American Bar Association, Hon. D. A. Simmons, of Houston, Tex., was one of the consultants at San Francisco, and I had a number of conferences with him. In addition to his own sponsorship of the Charter and support for its ratification, we had a telegram from the New York headquarters of the American Bar Association approving the charter and urging its ratification. The American Bar Association is supposed to know something about the Constitution. It is supposed to know something about international law. It is supposed to know something of the general politics of nations, and I commend the attitude of the American Bar Association to the Members of the Senate.

The Carnegie Endowment for International Peace.

The Church Peace Union.

The Commission to Study the Organization of Peace.

The Marine Cooks and Stewards Association.

National Council of Jewish Women.

National Maritime Union, with 50,000 members.

Nine State organizations, two hundred local organizations, fifty-six individuals.

There are a great number of others, and I shall attach a list of them as a part of my remarks.

(See exhibit A.)

There are some who are opposed to ratification, and they were given every consideration:

America First Committee, of Los Angeles. We do not know their membership; they did not indicate it.

America First Party. No membership list was given.

American Mothers of Minnesota.

American United, Inc., with 25 members.

American Youths for Christ, St. Louis.

Buffalo Economics Club.

Mr. President, if I do not mention the number of members of the organizations, it is to be understood that they did

not list their members, and we do not know how many members there were.

California Pastors Committee.

Catholic Mothers and Daughters of America. One representative appeared and, personally, I do not think she really represents the national organization, but she did appear and said she spoke for them.

Chicago and Cook County Federation of Women's Organizations. No membership was stated; no indication was given as to what it consists of. Certainly it is not the Federation of Women's Clubs, because they overwhelmingly endorse ratification of the Charter.

Christian Action Committee of Baltimore. No membership was given.

Citizens' Forum, Third Congressional District, Chicago, Ill.

Cleveland World Peace Forum.

Committee to Win World Peace Through a People's Parliament.

Defenders of George Washington's Principles. I think there were two ladies who appeared representing the Defenders of George Washington's Principles. They did not indicate how many members they had or anything about their organization.

Fight for Total Peace, Inc.

Friends of the Constitution, from Dayton.

League for Political Education, from the Henry George Women's Club, of Chicago.

Mothers of Sons Forum, Cincinnati.

National Blue Star Mothers of America. This organization is not to be confused, however, with the Blue Star Mothers of America, an organization with a membership of 200,000, who approved the Charter. This Blue Star Mothers representative is a local resident of Washington who frequents most of the committee hearings and always has views to express. But that organization is not the National Blue Star Mothers of America organization, because in a separate communication they advised the committee that they approved the Charter.

National Citizens Committee of Utah.  
National Council for Prevention of War.

National Economic Council, Inc.

National Farmers Guild.

Nationalist Veterans of World War II. That is not the regular veterans of the World War organization, because I do not think it has yet been completed. But the person who appeared claimed to represent something of that kind.

People's Church.

People's Mandate Committee for International Peace and Cooperation.

Truth and Liberty Committee, of Indianapolis.

United Mothers of Cleveland.

Women's League for Political Education.

Youth for Christ Committee, Denver.

Then I have here a list of some written statements.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. ELLENDER. I presume the Senator attended all the meetings of the committee, and no doubt he heard all

the opposition witnesses. I wonder if it would be asking too much of him to request that he summarize at this point the principal reasons advanced by those who opposed the Charter.

Mr. CONNALLY. I shall be very glad to do so, as best I can; but unless the Senator attended the hearings and listened to some of the witnesses—

Mr. ELLENDER. The difficulty is that I was not able to attend all the hearings. I attended all I had time to attend, but the press of other business prevented me from attending all the meetings. I did attend a few of them.

Mr. CONNALLY. I was going to say that nearly every witness had a different approach and a different angle. Some of them said the Charter would bring into being a world state which would destroy the American constitutional concept. Others said it was a dark and bloody conspiracy. One lady insisted that it means Union Now and that the former King of England, the Duke of Windsor, was to be the world king of this new organization; that there would be a king under the Charter.

Others, like Mr. John T. Flynn, appeared before the committee. The chief objection of Mr. Flynn, who is quite an intelligent and a well-informed man, was that he deduced the idea that there were financial commitments, that under the Charter we would be expected to give or loan Russia tremendous sums of money, and that all the other countries of the earth would be pulling at the United States to get money, and so forth and so on. We undertook to point out to him that there were no financial commitments of any character in the charter, that if the United States extended loans or granted money commitments to other nations it would have to do it in a way other than through the medium of the charter.

Those are samples, let me say to the Senator, of the different concepts of the witnesses who appeared. One witness who appeared said he represented—I mention this to show how some of the witnesses approached this matter—the United Nations of Earth. I asked him how many members it had. He said it did not have any members, that he was the only member. [Laughter.] He called it the United Nations of Earth Associates. The Senator from Kentucky [Mr. BARKLEY] very wisely suggested that he knew of no law which prevented a man from associating with himself. [Laughter.] That man was one of those who was afraid that all the concepts of our system would be abolished and wiped out if we entered into this organization.

As I said, Mr. Flynn appeared and made a very interesting and very vigorous and very insistent argument against ratification of the Charter, on the ground that its economic and financial commitments or, rather, things which would come along in its wake would be destructive of our economy. He was pronounced in his views against communism, and the fear that communism would spread because of the influence of Russia was one of the motives which prompted him to take the very vigorous attitude he assumed.

I shall append a list of individuals, as a part of my remarks.

(See exhibit A.)

There were some who appeared who were for ratification of the Charter but wanted reservations or something of that kind. I shall append that list, as a part of my remarks.

(See exhibit A.)

Let me say to the Senator from Louisiana that if he will glance through the report of the committee, I think he will find there some statements regarding the objections which were raised by various witnesses against the Charter. In the report we undertook to give both sides of the discussion.

Mr. President, in conclusion, permit me to say that ever since World War I there has been among the people of the United States and, I think, among the people of the world a feeling, growing over the years, that the statesmen of the world were challenged and that civilization was being challenged by our failure to erect some kind of international machinery for the cooperation of the peoples of the earth who do not want war, to bring about situations which would at least minimize the danger of war and advance the cause of peace.

We all know that the United States did not want to become involved in the First World War or in the present World War. We did not want to send our sons to foreign territory, there to be sacrificed upon the bloody altars of war. We did not want to pour out our treasure in destructive activities. However, we did just that. We were drawn into the First World War. During the Second World War we were ruthlessly and treacherously attacked at Pearl Harbor, and the allies of Japan, namely Hitler, Mussolini, and others, declared war upon the United States before we drew the sword.

So, Mr. President, in this modern time when the tides of war are running high, it is almost impossible for the United States to keep itself out of involvement. We know the price which we are now paying. That price consists of more than a million casualties, some of them bearing on their bodies the marks of their courage all the way to the tomb. We have suffered more than a million casualties of the finest young manhood of this Republic. Billions upon billions of dollars of treasure have been poured out in order to advance the cause of the war. There will be repercussions of a postwar character which will perhaps dislocate our economic life, and disrupt a return to civilian life of the soldiers and sailors who have fought so gallantly. That is a stupendous price to pay for war. We want no more of it. Therefore, the growing sentiment against war has resulted in the United States in the proposal of measures of various kinds. I refer to the resolution of the Foreign Relations Committee, the Fulbright resolution adopted by the House, the Dumbarton Oaks Conference, and recently, the charter which was agreed to at San Francisco, and which is now before the Senate.

Mr. President, I may advise Senators that the Foreign Relations Committee arranged for the printing and publica-

tion of the hearings, and undertook each morning to place in the office of each Senator copies of the hearing which were held on the day previous. There is also available to the Senate the very exhaustive report of the former Secretary of State to the President of the United States, consisting of approximately 150 pages. In addition to copies of the extensive hearings, the report of the committee itself is available. The testimony of Mr. Stettinius, which covered the entire charter, is available. I commend to Senators the testimony of Dr. Leo Pasvolovsky who followed Mr. Stettinius in testifying at the hearings. Dr. Pasvolovsky is a technician of great ability and a man of long experience. He went over the charter at the hearings chapter by chapter, paragraph by paragraph, and answered every question which was propounded to him, and explained every phase and aspect of the Charter.

Mr. President, the longings to which I have referred for an organization for world peace have brought about the Charter which was agreed to at San Francisco. We advance it not as a magical instrument which will guarantee that there shall be no more wars. We realize that any instrumentality will have its imperfections and weaknesses. This charter is not an absolute guaranty that there shall never be another war. However, Mr. President, it is an advance over the ground where we now stand. It is an approach. It brings into contact the nations of the world. It brings them into contact in the General Assembly where they may freely discuss international questions, and do so with no restrictions being placed upon them. More than that, in the Security Council the great nations of the earth are brought into contact with each other, such as nations who today possess military and material resources, armies and navies, and air forces which are capable of making war, and are therefore capable of keeping the peace. The Security Council brings together great nations who, by appending their signatures to the Charter, made solemn pledges with each other to settle their disputes by peaceful means, to support the Charter, and to undertake to bring their influences and resources to the execution of the policies and doctrines of the charter. Mr. President, if the charter does no more than to assemble in solemn conferences the representatives of the 50 nations who will make up the assembly, and the representatives of those same nations in the Security Council, to discuss and express their views respecting international questions which are fraught with the danger of war, it represents a great advance of the forces of peace out yonder into the territory of darkness and danger in which we have groped in the past.

But it does more than that, Mr. President. It establishes agencies for the settlement of disputes. It establishes a World Court to which may be referred justiciable questions. It sets up an assembly where matters may be freely discussed by the humblest, smallest, and weakest nation, as well as by the mightiest nation. It will be one place where the equality of all nations will be recognized.

The Charter also establishes a Security Council. It places upon the Security Council and the great nations which possess powerful military, naval, and material resources, the primary obligation of preserving the peace. It is so written in the bond. It is denominated in the charter that the primary responsibility for preserving the peace of the world rests upon the Security Council. When a dispute is submitted to the Security Council it may be discussed, considered freely, and debated. If the Security Council takes jurisdiction of the matter, there are set forth in the Charter a number of steps which may be taken to bring about a settlement of the dispute. First, in order to preserve peace, and in order to bring about peaceful settlements, the Security Council suggests to the disputants, "Submit your case. Settle it between yourselves if you can do so. If you cannot settle it by diplomatic action, try arbitration or negotiation, and endeavor to adjust your dispute by peaceful means. If you cannot adjust your differences by peaceful means, the Security Council will have to adopt its own program." That program, Mr. President, may be a suggestion to the parties as to how the dispute should be settled. It would be merely a suggestion, however. There would be no exercise of compulsion. There is no jurisdiction or authority in the Security Council to compel the disputants to accept the formula which may be submitted. If all these measures fail, and as a result thereof violence is threatened, the Security Council may, as a last resort, and as a final effort to preserve peace, employ armed forces to prevent aggression and preserve the peace.

Mr. President, I regard this document as a great instrument in the history of the world, a great instrument in the field of international relations. To my mind it is the greatest document of its kind that has ever been formulated. It is far superior to the League of Nations. The League of Nations did much good. The League of Nations, even through its failures and its weaknesses helped light the way to future international negotiations and to the construction of this Charter itself. The League of Nations carried the matter of agreement further than the pending Charter. Under the League there had to be unanimity of agreement as to every member of the Council, and when they agreed, while the League could persuade and could beg, it had no compulsive powers whatever; it could not enforce a peace; it could not prevent armed aggression; it had no authority and no power in those respects.

So, Mr. President, we do not advance this instrument as embodying perfection. I dare say that ingenious Senators can take any statute that we pass here and find many things in it they do not like and which, if they were writing it, they would change. So I venture to say that if now the rewriting of this entire Charter were committed to individual Senators, when they got through, instead of having 1 charter, we would have 95 charters, and, if there were not a vacancy in the Senate, we would have 96 charters. Somewhere along the line every Senator would deviate from his colleagues, perhaps not on fundamental



principles, but when it came to details there would be disagreement. So we have got to accept this Charter on the over-all picture, on its entirety.

Think about the 50 nations that met at San Francisco, many of which had divergent views. Many of them did not like certain things in the Charter, but they tried to look ahead, they tried to look down the vista of the years, they tried to envision what the future would hold, and finally they came to say, "Regardless of our objections to the voting procedure and to the Security Council, regardless of our views about the Assembly, we think the Charter is the best hope for peace and world security, and we will vote to ratify it."

Mr. President, you would have been stirred, I am sure, had you been on the steering committee representing all 50 of the nations, when the roll was called and every nation responded "yea." It was a historic event, it was a stirring event, when the vote was recorded and it was announced that 50 nations had recorded their views that the Charter ought to be ratified.

Mr. President, do not misunderstand me. Those who expect an automatic piece of machinery which it is necessary only to set up and then they can go ahead about their business and it will preserve the peace and stop war, will not have their expectations met by this Charter. This Charter is going to require the constant support and assistance of those who love peace, the nations who love peace and the peoples who love peace, if it is to be successful and if it is to achieve the high objectives for which it is designed.

Those who want to join a league that is magic, that requires no care, that requires no fuel, that requires no sacrifice on our part, that requires the sending of no troops by us if it comes to that point, are doomed to disappointment. There is no such league; there never has been such a league, and there never will be such a league. There has got to be constant cooperation of the nations of the earth in support of the spirit as well as the letter of the Charter and the high purposes which it envisions.

Mr. President, these are the general principles upon which we base our appeal for the ratification of this charter. Let me say in closing that ratification of the Charter by the Senate may well give a tremendous impulse to its ratification by the other nations of the earth. It will mean that we shall be the first of the great powers to ratify the treaty. Strange as it may seem, in view of the practical unanimity of the people of the United States in support of the Charter, many representatives of foreign nations are still doubtful as to what the vote on the charter will be here in the Senate. They remember 1919. They know how the League of Nations was slaughtered here on the floor. Can you not still see the blood on the floor? Can you not see upon the walls the marks of the conflict that raged here in the Chamber where the League of Nations was done to death? They fear that that same sentiment may keep the United States from ratifying this Charter. Our ratification of it will instill hope into the hearts of the peoples

of the earth. We heard it constantly at San Francisco. Not publicly in debate but privately delegates would approach us and inquire what we thought about the prospects of the ratification of the charter. So I trust that the Senate, after such debate as it sees fit to indulge upon the subject, will ratify this Charter by a vote so overwhelming as to carry the conviction over the earth that the United States expects to assume its obligations for the purpose of keeping them, for the purpose of living up to them, for the purpose of supporting a world organization for peace with all our spirit and with all our hearts.

Mr. President, we have not been afraid to go to war. We have had the courage to fight on the battlefields. Shall we lack the courage now to assume the responsibility of this organization? Shall we be afraid that we cannot do our part? Shall we say, "Oh, no; we cannot do that; the United States must not send a soldier, its representative must not vote on any question unless it comes back here to the Senate." Can we not have the same courage and fortitude with which we faced the enemy upon the battlefield in behalf of war, in behalf of destruction, in behalf of the taking of human life? Can we not show some of that same courage in the cause of peace and accept the obligations which we assume, and fulfill them and live up to them and make a contribution to the history of civilization and to the cause of peace that has never been rivaled in all the centuries that have rolled over the head of Mother Earth.

Mr. President, I hope we may ratify this Charter by a vote that will resound round the earth. Yonder at Concord Bridge was fired the shot heard round the world. The verse of Ralph Waldo Emerson in the Concord Hymn comes to mind:

By the rude bridge that arched the flood,  
Their flag to April's breeze unfurled,  
Here once the embattled farmers stood,  
And fired the shot heard round the world.

Mr. President, by this vote let us fire a shot in behalf of peace that will be heard round the world. [Applause.]

#### EXHIBIT A

*Standing of various organizations concerning the United Nations Charter as shown in the Hearings of the Senate Foreign Relations Committee, July 9-15, 1945*

#### ORGANIZATIONS FOR RATIFICATION: ORAL STATEMENTS

Name	Membership (approximate)
Alpha Kappa Alpha Sorority	6,000 university women.
National Nonpartisan Council on Public Affairs.	
American Association for the United Nations, Inc.	14 regional offices 65 local committees.
American Association of University Women.	73,300 members.
American Farm Bureau Federation.	1,500,000 members in 41 States.
American Federation of Labor.	6,620,580 members.
American Legion.	1,000,000 members, auxiliary of one-half million.
Americans United for World Organization.	Includes membership of 6 former organizations which merged to form this one.
Association for Childhood Education.	2,800 members.
Brotherhood of Railroad Trainmen.	196,000 members.

#### Standing of various organizations concerning the United Nations Charter, etc.—Con.

#### ORGANIZATIONS FOR RATIFICATION: ORAL STATEMENT—continued

Name	Membership (approximate)
Central Conference of American Rabbis.	530 members—100 now serving as chaplains in armed forces.
Detroit Annual Conference of the Methodist Church.	Represents eastern half of Michigan.
Educational Policies Commission.	20 educational leaders.
Federal Council of the Churches of Christ in America.	25,000,000 members.
General Federation of Women's Clubs.	2,500,000 women in 16,500 clubs.
Girls' Friendly Society of the U. S. A.	26,000 members.
Independent Citizens' Committee of the Arts Sciences and Professions.	
National Board of Young Women's Christian Association.	622,000 members.
National Congress of Parents and Teachers.	3,054,950 members.
National Council of Jewish Women.	65,000 members.
National Education Association.	271,847 active members.
National Federation of Business and Professional Women's Clubs, Inc.	75,937 members.
National League of Women Voters.	60,000 members.
National Service Star Legion	
National Women's Trade Union League of America.	1,000,000 members and 14 organizations.
Research Institute of America.	Program goes to more than 30,000 companies and various government agencies.
United Council of Church Women.	
United Nations Council at Philadelphia.	4,500 members.
United States Associates International Chamber of Commerce.	
United States Federation of Justice.	Officials, workers, and students in law administration.
Women's Action Committee for Victory and Lasting Peace—District of Columbia chapter.	Affiliated with 7 national and 2 local organizations.

#### ORGANIZATIONS FAVORING RATIFICATION BUT DESIRING MODIFICATIONS: ORAL STATEMENTS

National Association for the Advancement of Colored People.	350,000 members.
National Woman's Christian Temperance Union.	500,000 members.
Postwar World Council.	
Socialist Party.	

#### ORGANIZATIONS FOR RATIFICATION: WRITTEN STATEMENTS

American Jewish Committee.	397 members.
American League for a Free Palestine.	
Americans United for World Organization, Inc.	Includes membership of 6 former organizations which merged to form this one.
Aviation League of the United States, Inc.	
Commission on World Peace of the Methodist Church.	
Conference of Governors at Mackinac Island.	
Congress of Industrial Organizations.	5,500,000 members.
Federal Council of the Churches of Christ in America.	25,000,000 members.
General Federation of Women's Clubs.	2,500,000 women in 16,500 clubs.
National Council of Farmer Cooperatives.	2½ million farmers.
National Council of Jewish Women.	65,000 members.
National Council of Women of the United States.	20 national organizations.
National Federation of Business and Professional Women's Clubs, Inc.	75,937 members.
Women's Action Committee for Victory and Lasting Peace.	Affiliated with 7 national and 2 local organizations.
Young Women's Christian Association.	622,000 members.

*Standing of various organizations concerning the United Nations Charter, etc.—Con.*

ORGANIZATIONS FOR RATIFICATION: TELEGRAMS

Name	Membership (approximate)
American Bar Association.....	32,000 members.
American Legion.....	1,000,000 members, auxiliary 1/2 million.
Carnegie Endowment for International Peace.....	
Church Peace Union.....	
Commission to Study the Organization of Peace.....	Over 100 persons, experts in their respective fields.
Hadassah.....	
Marine Cooks and Stewards Association.....	4,000 members.
National Council of Jewish Women.....	65,000 members.
National Maritime Union.....	50,000 members.
National Peace Conference.....	40 Nation-wide organizations represented.
Women of America.....	
Woodrow Wilson Foundation.....	
World Government Association.....	
9 State organizations.....	
200 local organizations.....	
66 individuals.....	

ORGANIZATIONS AGAINST RATIFICATION: ORAL STATEMENTS

America First Committee, Los Angeles.....	25 members.
America First Party.....	
American Mothers of Minnesota.....	
Americans United, Inc.....	
American Youths for Christ, St. Louis.....	
Buffalo Economics Club.....	
California Pastors Committee.....	
Catholic Mothers and Daughters of America.....	
Chicago and Cook County Federation of Women's Organizations.....	
Christian Action Committee of Baltimore.....	
Citizens' Forum, Third Congressional District (Chicago, Ill.).....	
Cleveland World Peace Forum.....	
Committee to Win World Peace Through a Peoples' Parliament.....	
Defenders of George Washington's Principles.....	
Fight for Total Peace, Inc.....	
Friends of the Constitution, Dayton.....	
League for Political Education from the Henry George Women's Club of Chicago.....	
Mothers of Sons Forum, Cincinnati, Ohio.....	
National Blue Star Mothers of America (net to be confused with Blue Star Mothers of America, membership of 200,000, who have approved the charter).....	
National Blue Star Mothers of Philadelphia.....	
National Citizens Committee of Utah, Salt Lake City.....	
National Council for Prevention of War.....	
National Economic Council, Inc.....	
National Farmers Guild.....	
Nationalist Veterans of World War II.....	
People's Church.....	
Peoples Mandate Committee for Inter-American Peace and Cooperation.....	
Truth and Liberty Committee of Minneapolis.....	
United Mothers of Cleveland.....	
Women's League for Political Education.....	
Youth for Christ Committee, Denver.....	

*Standing of various organizations concerning the United Nations Charter, etc.—Con.*

ORGANIZATIONS AGAINST RATIFICATION: WRITTEN STATEMENTS

Name	Membership (approximate)
American Coalition.....	
American Society for the Preservation of Sacred, Patriotic and Operatic Music.....	
Campaign for World Government.....	
We the Mothers Mobilize for America, Inc.....	
8 local organizations.....	
8 individuals.....	

ORGANIZATIONS AGAINST RATIFICATION: TELEGRAMS

National Coalition Committee.....
War Resisters League.....
3 individuals.....

PRIVATE INDIVIDUALS FOR RATIFICATION: ORAL STATEMENTS

Name	Remarks
Adams, Marcia.....	Washington radio commentator.
Dulles, John Foster.....	One of the chief official advisers to the United States delegation at San Francisco.
Lilienthal, Alfred M.....	G. I. consultant to the American delegation at San Francisco.
Owen, Hon. Robert L.....	Former Senator from Oklahoma.

PRIVATE INDIVIDUALS AGAINST RATIFICATION: ORAL STATEMENTS

Baldwin, Mrs. Catherine P.....	United Nations of Earth Association—one member.
Darrin, David.....	
Flynn, John T.....	Economist and journalist.
Jackson, Arthur Charles.....	Daughter purports to represent the younger generation.
Jennings, E. P.....	
Johnston, Mrs. Elise French.....	
Lohle, Mrs. Marie and daughter Irene.....	
Michelet, Paul D.....	
Reardon, Thomas J.....	
Somers, Mrs. Helen V.....	

INDIVIDUALS FAVORING RATIFICATION BUT DESIRING CERTAIN RESERVATIONS: ORAL STATEMENTS

Danielson, John.....
Gerken, Hubert J.....
Kannee, Henry M.....
Stephens, Royal C.....
Wattley, David.....
White, Hon. Compton I. (Idaho).....

Mr. FULBRIGHT. Mr. President, it is appropriate at this time, I think, to include in the RECORD an account of the work at the San Francisco Conference of the distinguished chairman of the Committee on Foreign Relations, the senior Senator from Texas [Mr. CONNALLY].

I ask unanimous consent to have printed an article with reference thereto by Mr. Gould Lincoln, which appeared in the Washington Star last month.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE POLITICAL MILL  
(By Gould Lincoln)

SAN FRANCISCO, June 14.—The toughest job of the United Nations Conference went in the end to Senator "Tom" CONNALLY, chairman of the Senate Foreign Relations Committee—the job of piloting the controversial veto-voting formula safely through Conference Committee 3-1 of Commission 3, to use the technical names by which these agencies of the Conference are called. The big, silvery-haired Texan, who also will have the task of guiding the new world Charter through the Senate with patient but at times with forceful demands for action, finally caught a show-down vote in the committee which upheld the Yalta voting formula.

Senator CONNALLY was not chairman of the committee. He was, however, the principal spokesman not only of the United States delegation but also of the "Big Five" in these discussions. It was he who submitted to the committee the Big Five interpretation of the veto-voting formula and laid it on the line that this was all the critics of the formula were going to get in the way of concession. With grim determination he insisted that the committee meet again and again, and sometimes twice a day in order to bring action. It was not until the opponents of the formula had talked themselves out, however, that he was successful. He had opposed to him two of the strongest and most vocal delegates attending the Conference—Foreign Minister Evatt of Australia and Prime Minister Frazer of New Zealand. Many times these gentlemen assailed the voting formula because it permitted the Big Five individual veto in security council decisions on the use of peaceful measures to settle international disputes. Occasionally he had to call one or the other to order because of the vitriolic language they used in criticizing the Big Five.

Probably Senator CONNALLY's experience in the dealing with filibusters stood him in good stead in this ordeal, during which the committee remained in session for 3 and 4 hours at a time, more than once until after midnight. The debate appeared interminable, although the participants well understood that the voting formula could not be changed without jeopardizing the Charter itself. His final plea—or ultimatum—to the committee was good, plain talk. He said with emphasis: "You may go home—if you wish—and report that you have defeated the veto. But what will be your answer when you are asked 'Where is the Charter?'"

The chairman of the Foreign Relations Committee has not sought the limelight in these long weeks of conference work. He has been more than pleased to have credit go to his Republican colleague, Senator ARTHUR H. VANDENBERG, of Michigan, and to Republican Commander Harold E. Stassen, former Governor of Minnesota, for admirable work they have done on knotty problems. His has been a long-range view. No one knows better than Mr. CONNALLY that Republican votes will be a sine qua non when it comes to ratification by the Senate of the San Francisco treaty, providing for United States adherence to the new United Nations organization for world peace. The more firmly Republican leaders are committed to this party treaty, the better for the United States and the world.

It was with this idea firmly in mind that Mr. CONNALLY has sought for the last year and more to have the Republican members of the Foreign Relations Committee feel fully aware of the foreign policy of the administration. He insisted that the special subcommittee which kept in constant touch with the State Department, and the White House regarding foreign policy, should be bipartisan, with four Republican and four Democratic Senators as its members. They, the



Republicans, were given the same information as the Democrats. The result has been eminently satisfactory. The United States delegation at the Conference has four congressional Members—two Republicans and two Democrats, two Members from the Senate and two from the House. They have worked in great harmony.

According to the latest reports from Washington, President Truman is hopeful that the Senate will take up the treaty almost immediately after it has been written. This means no let up in Senator CONNALLY's work. The President will, it is reported, transmit the treaty in the upper House without delay. He wishes the United States to be the first country, or one of the first to ratify.

The Texas Senator will have to begin hearings immediately before the Foreign Relations Committee, if this program is to be carried out. And when the treaty has been reported to the Senate it will be his duty to keep it moving.

Mr. VANDENBERG. Mr. President, like the distinguished Senator from Texas, I have already presented a very complete report to the Senate regarding the San Francisco Charter, in every phase of its detail, and I think it is quite needless that I should repeat any such analysis. Therefore I do not intend to speak other than briefly at the moment because I would not want my temporary silence interpreted as reflecting any sort of default in my continuing deep and abiding conviction that this is man's best hope for a safer and a happier world. I speak chiefly for the purpose, as I proceed, of offering myself to my colleagues for any questions they may desire to submit.

The farther we get away from San Francisco, Mr. President, the clearer becomes our perspective, the better becomes our judgment, and the surer becomes my own profound belief that here, under Providence, is an adventure which can richly serve the hearts and hopes of human kind. I say again, as the distinguished Senator from Texas has said, that I have no illusions of the millennium. I say again of the pending Charter that these are only words. I say again that it remains for the United Nations in general, and the five great powers in particular, and especially for Russia and the United States of America, if we would narrow the equation to its finalities, to embrace and vitalize this Charter in the spirit of its authors. I say again that in the final analysis peace depends upon these relationships. But I also say again that these relationships would be infinitely surer of amicable contacts as a result of the Charter and its mechanisms for constant and friendly consultations regarding any threat to peace and security, or to justice, or to fundamental human rights.

I cannot escape this encouraging conviction, Mr. President, in the light of our own experience at San Francisco, where this Charter finally won the unqualified acclaim of 50 nations, representing the gamut of the whole earth in different races, tongues, traditions, and aspirations. It won this unanimous final devotion despite the fact that in the beginning we confronted a thousand diversified and often highly controversial amendments. It won this unanimous devotion despite repeated crises which frequently persisted to the danger point, and which repeatedly were heralded as

beckoning the conference to disaster and to impotence.

I particularly have in mind the impasse at San Francisco over regional arrangements, with our inter-American system especially at stake; the impasse over free speech in the Security Council and in the General Assembly; the impasse over the moot veto power. These were rocks upon which the Conference was supposed to have been hopelessly wrecked. But sooner or later the skies always cleared. Sooner or later we found the way that took us safely past the rocks. At the end, I repeat, 50 United Nations were unanimous.

Mr. President, why and how did this benediction come to pass? The answer is quite simple, and in contemplating the answer, I respectfully submit that we contemplate the basic rule of action upon which peace must depend.

This ultimate unanimity, this ultimate agreement in the face of violent controversy at the outset, this achievement, was the result of what? It was the result of our facing each other, vis-à-vis, morning, noon, and night, until the controversies disappeared. It was the result of the mutual understanding which is inevitable when men sit at a common council table and honestly explore their differences. It was the result of an intimate, first-hand exchange of views between those pledged to the pursuit of a common purpose. What purpose? The end of aggression, the end of needless war. Under the impact of this direct and personal consultation, the San Francisco Conference never failed to agree.

Mr. President, if that could happen at San Francisco, who shall say that it cannot happen again and again and again when the Security Council and the General Assembly of the new United Nations Organization similarly face the frictions of tomorrow? If that could happen in the writing of this Charter, who shall say that it cannot happen in the operation of the Charter? If we could thus liquidate disaster in the beginning, who shall say that we cannot liquidate disaster in the end? In any event, where could there possibly be any remote justification for refusing to try?

I am one of those, Mr. President, who do not believe that the ultimate and final use of force is the genius of this great experiment, although potential force is necessary as a last resort to make it plain that we mean business. But I believe that the genius of this new United Nations Organization lies in its many and detailed mechanisms for preventing the disputes of tomorrow from ever reaching a point where the use of cooperative force needs even to be considered.

My faith is in the Council table. There was no force at San Francisco; yet there was unanimous agreement at the Council table. That is the primary and paramount endowment of this United Nations Organization. In my view, Mr. President, that is the hope of the world.

The San Francisco Charter may not succeed in its God-blessed purposes. Personally, I think it will. World War No. 3 is too horrible to contemplate. It clearly threatens the end of civilization. Here is our chance to try to stop this disaster before it starts; and here is a formula which, in its initial operation at

the San Francisco Conference, has proved that it can work in harmonizing controversies among 50 nations of this world.

In the event, Mr. President, of the unexpected failure of this experiment, I should prefer to have been associated with its hopeful trial than with a refusal to permit it to prove its expected success. For the sake of the mothers of men I think this Charter deserves the overwhelming ratification which seems imminent in the Senate of the United States.

Mr. President, having thus briefly summarized my affirmative approach to this subject, and recalling to the Senate that I have already discussed these mechanisms in great detail upon a previous occasion, it occurs to me that perhaps the chief service I might briefly render today would be frankly to face what seem to be some of the misgivings which still linger in some minds. Therefore, without any thought of complaining against the free expression of anybody's opinion, I want most respectfully to turn my attention very briefly to what it seemed to me was a rather complete adverse summary which recently appeared in a two-column editorial in certain important metropolitan newspapers which seemed to symbolize what I believe to be these misconceptions. I use this as my brief text because the editorial in essence seemed to be a personal challenge addressed to me. I quote from the editorial in its final summary:

This United Nations Charter embodies Roosevelt's dream of a postwar superstate. It entails the destruction of parts of the written Constitution, without a by-your-leave to the American people. That apparently is O. K. with VANDENBURG and his cohorts.

Mr. President, I wish to say for the RECORD and with elementary consideration for my own status as, I believe, a loyal American, that this is a totally unjustified, unwarranted, and insupportable indictment of the Charter. The greatest respect for the opinions of those who differ with me, I deny every factual word of it. This would be of no importance except as I am using the editorial to illustrate what I believe to be these remaining misconceptions so far as they still linger in a very small minority of our public opinion.

Mr. President, if the "United Nations Charter embodies Roosevelt's dreams of a postwar superstate", then our late President was guiltless of "dreaming" about any "superstate" at all. There is no "superstate," even remotely or by the widest indirection, in this Charter. If we have taken care of anything in writing this charter we have scrupulously taken care of that. Such a fantastic charge defies support by any rational bill of particulars.

Now, listen. The United States retains every basic attribute of its sovereignty. We cannot be called to participate in any sort of sanctions, military or otherwise, without our own free and untrammelled consent. We cannot be taken into the World Court except at our own free option. The ultimate disposition of enemy territory which we have captured in this war is dependent solely upon our own will so far as this Charter is concerned. Our domestic

questions are eliminated from the new organization's jurisdiction. Our inter-American system and the Monroe Doctrine are unimpaired in their realities. Our right of withdrawal from the new organization is absolute, and is dependent solely upon our own discretion. In a word, Mr. President, the flag stays on the dome of the Capitol.

These things, quoting the editorial, I confess are "O. K. with VANDENBERG and his cohorts." These things we toiled at San Francisco to preserve. We can effectively cooperate for peace without the loss of these things. To cooperate is not to lose our sovereignty. It is to use our sovereignty in quest of the dearest boon which the prayers of humankind pursue. I respectfully suggest that those who voice a superlative attachment to these elements of sovereignty should be the last to invite the wholly unjustified interpretation that we have surrendered the very things we have so scrupulously preserved.

So it is also with the equally irresponsible charge that the Charter "entails the destruction of parts of the written Constitution." What parts, I beg to inquire? Certainly the fact that we propose to cooperate to prevent World War III, if we can, destroys no part of our Constitution. Our Constitution is not allergic to peace. It is not yet treason to abhor the ugly implications of war and to attempt to do something realistic about it.

Where, I ask again, do we invade our "written Constitution"? If it is meant that we "destroy" the exclusive congressional right to declare war I answer that the control of our American voice on the new Security Council is entirely and exclusively within our own congressional jurisdiction when we create this voice. The Charter does not even pretend to invade our own domestic control over this purely domestic matter. If it did it would be promptly and rightly pilloried for any such invasion.

The charter gives us a veto on war and on any steps leading to war. The charter could do no more. It says that our agreement covering the contribution of troops to any joint action must be approved by our own constitutional process. Does that destroy our constitutional process? To ask the question is to answer it. The charter actually confirms our constitutional process. We shall decide for ourselves where we wish to draw the line, if any, between the constitutional authority of the President to use our armed forces in preliminary national defense action and the constitutional authority of Congress to declare war. Both Constitutional rights have existed, Mr. President, and have stood unchallenged for 150 years. We have never thought it necessary or desirable to try to set metes and bounds for each. I doubt if it is necessary or desirable now. We have but to continue the constitutional practice of a century and a half.

In our domestic statute, however, which is none of the Charter's business whatsoever—in our domestic statute creating our American delegatship to the Security Council, we can appropriately require that he shall vote for sanctions only upon instruction from the President, and that

the President shall simultaneously notify the Congress. In the presence of this constant information Congress can act in any way it pleases. I repeat that this is our business, and if there be any doubt, Mr. President, that in addition to the exclusive congressional power to declare war, there is this basic constitutional military authority resident in the first instances in the President of the United States, I quote just one authority and pass on. I quote the man who is probably the favorite congressional authority upon subjects of this nature, Professor Borchard, of Yale, discussing the right and the duty of the President to protect American life, American property, and American interests anywhere in the world:

Inasmuch as the Constitution vests in Congress the authority to declare war and does not empower Congress to direct the President to perform his constitutional duty of protecting American citizens on foreign soil, it is believed that the Executive has unlimited authority to use the armed forces of the United States for protective purposes abroad in any manner and on any occasion he considers expedient.

I believe that when the President concludes to use preliminary force, in cooperation with the Security Council, to stop a dispute before it graduates into war, he is most emphatically protecting American welfare.

So far as the charter is concerned, it does not destroy, it does not threaten, it does not even remotely approach so much as an indirect impingement upon any portion of our written Constitution. That, too, Mr. President, if I may refer again to the personal element in the editorial from which I quote, is "Okay with VANDENBERG and his cohorts."

Mr. President, who are these cohorts? The inference seems to be that they are some isolated, scheming, sinister group which is conspiring against the public welfare. I find ample consolation in rebuttal in numbering among these cohorts the great list of national organizations to which the distinguished Senator from Texas has referred in his speech today, a list which includes practically every national organization of every name and nature, each subscribing to its belief that this great adventure is worth while in the name of the hopes of humankind, and that the Senate of the United States will do its public duty when it proceeds to ratify the Charter as eloquently as it was ratified by the Conference itself at San Francisco. If this great weight of public opinion is in error, it is the most amazing perversity in history. Never before were so many so wrong if the theory of their lack of wisdom is correct. Frankly, I am very proud of my "cohorts."

Mr. President, with that I think I have said all that I care to say today. I am sure that in the course of the debate any questions which may linger in the minds of my colleagues can be answered by the distinguished chairman of the Foreign Relations Committee and myself. We shall be at your service in this respect. I think the truth is clear.

I conclude by saying that I believe this is our last opportunity to make one great and hopeful experiment in behalf of peace. [Applause.]

Mr. CHAVEZ. Mr. President, I am very happy that I was able to listen to the fine speech of the Senator from Texas [Mr. CONNALLY], chairman of the Committee on Foreign Relations and that of the Senator from Michigan [Mr. VANDENBERG], both of whom have contributed so much in the effort to arrive at something which will assure peace in the future. I am approaching the discussion from possibly a little different viewpoint.

There are two things in the charter which appeal to me, and those two things impel me to make the statement which I shall make today.

First, the Senator from Michigan has referred to the experience of the United States in applying the Monroe Doctrine. Secondly, the Senator from Michigan has stated that under the Charter the flag will still float, and that we can exercise independent action. In briefly discussing the Charter today, the approach which I shall make is based upon our experience as a Government in applying the Monroe Doctrine.

We know, and the world knows, that our President is engaged in the deliberations at Potsdam, which will have such a marked effect on the future of the entire world. It has occurred to me to speak very briefly on the relationship of these deliberations to our Latin-American policy, which is the Monroe Doctrine, to which the Senator from Michigan has referred.

From time to time I have discussed certain aspects of this policy before the Senate, and now I find that my observations are fully justified.

Five years ago, I discussed Pan Americanism and Our National Defense and reviewed our Latin-American policy from the days of the independence of the erstwhile Spanish colonies to the period immediately preceding our entry into this global conflict, which happily is nearing its end. I then undertook to show that we had developed a hemispheric solidarity and an International Security Organization of our own which is now being expanded to world-wide dimensions. In the past decade, during the Presidency of our late great Franklin D. Roosevelt, enormous strides have been made in cementing the ties which have drawn us closer to our sister republics of Latin America. We have, in our treaties and in our negotiations, recognized in principle the equality of all these nations, great or small. This principle has a universal application and is equally cogent with respect to each member of the world community.

This war has seen a tremendous development of Latin-American resources, stimulated by our own war needs and the willingness of the Latin-American republics to furnish supplies. There is, however, an element of danger in the postwar economy of these nations. Inflation has occurred in every Latin-American country. Should the demand for Latin-American products terminate suddenly, a veritable disruption of the entire economic system would result. The transition from the inflated war economy to the more normal adjustment



of supply and demand of peacetime requirements should not be abrupt. Otherwise chaos will ensue.

I am confident that my good friend and former colleague, our recently appointed Secretary of State, Hon. James F. Byrnes, is cognizant of these problems and will bring to their solution the same sagacity and wisdom that have characterized his distinguished public career.

President Truman has frequently indicated his determination to pursue the foreign policy formulated by President Roosevelt; this has been profoundly reassuring to all Latin-American nations which have had occasion, from time to time, to have serious misgivings as to the sincerity of our words and the altruism of our motives. To cite but a few instances calculated to arouse such misgivings, I might mention in passing the Panamanian incident early in this century, followed by certain landings in the Dominican Republic and Haiti, and the supervision exercised over the right of franchise in Nicaragua.

The Lima and Habana Conferences marked the auspicious inauguration of a new era. The Act of Chapultepec, in the formulation of which the chairman of the Foreign Relations Committee of the Senate, who is now handling the pending matter, and the Senator from Vermont [Mr. AUSTIN] took part, promulgated at Mexico City early this year, reaffirmed the basic principles upon which the solidarity and security of the Western Hemisphere are founded. But I emphasize that this is only a beginning, and much will be needed to overcome the distrust and suspicion engendered by a century of equivocal, arbitrary, and at times seemingly capricious recourse to power politics by the United States. Nor is it sufficient for our purposes that we allay the political apprehensions of our neighbors; after all, the great charter of humanity includes freedom from want as well as freedom from fear. To guard against the economic debacle which, without adequate planning, is virtually certain to occur, and to guarantee that freedom from want, I against present the following program, which I originally advocated before this distinguished body on October 25, 1939:

First. Increase our efforts toward cultivating our economic and cultural relations with Latin America.

Second. Arrange for and provide funds for the construction of a Nicaraguan canal and, possibly, the Mexican-Tehuantepec Canal.

Third. Build transcontinental highways to and through Latin America similar to the Pan-American Highway.

Fourth. Advocate and put into effect free and independent competitive airways systems throughout Latin America.

Fifth. Under appropriate guaranties, arrange for long-term investments in improvements of a permanent nature, such as utilities, communications, and power resources.

These considerations, which affect our relations with Latin America, are also applicable to a large degree in the broader field of our world relations. Our negotiations with the other United Nations have at times been difficult; lack of mutual confidence has sometimes permeated

the atmosphere. It is my considered view that the future security of the world rests essentially upon the mutual trust and confidence that the members of the world community inspire in each other. We may adopt the Charter idea in this body. The other nations of the world may adopt the charter idea in their respective countries; but unless we have faith and a little confidence, it will not do any good.

To me, some of the most interesting proposals are those which provide for the pacific settlement of international disputes by means of compromise, arbitration and, finally, judicial decision. There are people who are prone to doubt the efficacy of the proposed International Security Organization, having in mind the failure of the League of Nations. There are, however, significant differences not only in the proposed organization but in its contemplated membership. The question whether adherence of the United States to the League Covenant would have altered the course of international relations during the past 25 years lies in the realm of speculation and conjecture. Yet, in light of the ever-diminishing concept of space which accompanies the ever-increasing rapidity of communications and transportation, it does not appear desirable, even if feasible, for the United States to remain aloof from participation in any organization which has as its primary purpose the prevention of catastrophes of the kind we are still enduring. From the point of view of organization, there are substantial differences. While in the League of Nations, the Assembly and the Council had identical functions, the proposed World Organization will have (1) a General Assembly wherein deliberations will be carried on and recommendations made, and (2) a Security Council which will have power to act—and action is what is needed—in maintaining international peace and security whenever action appears necessary. In conducting its deliberations, the General Assembly is entitled to receive and consider reports from other agencies of the International Organization. Recommendations requiring action must, however, be referred to the Security Council; but when the Security Council has a question under consideration, the General Assembly must immediately refrain from making recommendations thereon.

The unity of the great powers as a practical proposition is recognized as the essential element in the maintenance of peace, not merely in its restoration. Of course we can restore peace; but in the future we must have peace; we must maintain it. A unilateral policy of security is deemed thoroughly outmoded. While the responsibility for the maintenance of peace is a duty consequent upon the achievement of great national power, the charter partnership, to be worldwide, must include all of the United Nations, be they large or small, and must be predicated on the principle of equality under the law.

Perhaps the most novel departure from the pattern of present existing international organizations is contained in chapter VII of the charter which pro-

vides for an international police force. Should these proposals be adopted, it will be the first time in the history of the United States that we shall have formally assumed an active role in the collective responsibility for the maintenance of world peace. It is the best evidence this country could give that we recognize cooperation with other countries as basic in the preservation of our own as well as world security.

Heretofore, we have considered that the will to peace was an adequate guaranty that it would continue. Twice within the century we have been disillusioned. Millions of our people, many of them under arms, have come to the realization that the unilateral desire for peace leaves us a ready prey for the aggressor. With this realization fully brought home to us, collective action to curb the aggressor seems to be the only answer to this problem. If we must inevitably participate in the armed settlement of international disputes, then we should certainly participate in the cooperative action to prevent them.

This represents a marked change in our classic foreign policy, and a break with our military tradition. However, it circumscribes the exercise of the full and complete sovereignty that has been a characteristic of our national policy. It may prove further reassurance to our good neighbors of Latin America. It will also involve additional expenditures. But these factors must be weighed against the alternative of war. An ounce of prevention is still worth the proverbial pound of cure, and because of the enormous ingenuity of mankind in devising destructive technologies, we are rapidly approaching the point where no amount of cure can restore the patient to a semblance of health. If the past is a criterion—and it demonstrates to us that each of our wars in this century has increased in magnitude and has been more colossal in its impact—and if I dare indulge in prophecy, I may well voice a serious doubt as to the ability of the United States or of any other nation to withstand the effects of a conflict similar to World War II.

After mature deliberation and grave reflection, I have reached the inevitable conclusion that I shall serve the best interests not only of my country but of humanity by casting my vote in favor of the treaty embodying the Charter of the United Nations.

Mr. O'DANIEL. Mr. President, I am very anxious to have the United Nations Charter ratified at the earliest possible moment. I shall not, therefore, consume much time of the Senate in a lengthy discussion. However, for the purpose of keeping the record straight, I should like to read a public statement upon the subject which I made on June 27, 1945. The statement was as follows:

My position on an international organization to preserve world peace has been definitely stated on many occasions. I ardently approved and actively supported President Wilson in his fight for the League of Nations and firmly believe World War II would have been prevented had our Nation joined and actively supported it.

The San Francisco Charter may not be perfect, but I believe it is definitely the best document that could be written under present

conditions by the chosen representatives of 50 nations. I intend to do all I can to hasten its ratification by the United States Senate.

The agony suffered by the dead and wounded heroes of our Nation and our allied nations places upon the shoulders of we who now live the inescapable responsibility of doing everything within our power to prevent future wars.

Mr. KILGORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Gurney	Murray
Andrews	Hart	O'Daniel
Ball	Hatch	O'Mahoney
Barkley	Hawkes	Pepper
Billbo	Hayden	Radcliffe
Briggs	Hickenlooper	Revercomb
Brooks	Hill	Robertson
Burton	Hoey	Russell
Bushfield	Johnson, Colo.	Saltonstall
Butler	Johnston, S. C.	Shipstead
Byrd	Kilgore	Smith
Capehart	La Follette	Stewart
Capper	Langer	Taft
Chandler	Lucas	Taylor
Chavez	McCarran	Thomas, Okla.
Connally	McClellan	Thomas, Utah
Cordon	McFarland	Tunnell
Donnell	McKellar	Vandenberg
Downey	McMahon	Wagner
Eastland	Maybank	Walsh
Ellender	Mead	Wheeler
Ferguson	Millikin	Wherry
Fulbright	Mitchell	White
George	Moore	Wiley
Green	Morse	Willis
Guffey	Murdock	Young

The PRESIDING OFFICER. Seventy-eight Senators have answered to their names. A quorum is present.

Mr. CONNALLY. Mr. President, I want to submit to Senators that those who desire to speak for or against the Charter should prepare their speeches, if they are going to prepare them, and that is up to them. They should be ready. I use the word "ready," to speak at the earliest moment because we cannot afford to adjourn at 2 or 3 or 4 o'clock and wait until a Senator prepares a speech. We hope Senators will take time by the forelock and will make such preparation as they desire, and will be ready to speak very promptly.

I have consulted several Senators and said, "Do you want to speak?" "Oh yes; I want to speak." "Well, when?" "Well, tomorrow or Wednesday or some other day."

Mr. President, the Senate cannot afford to wait on Senators to prepare speeches. Most Senators I know are able to make speeches without any preparation. [Laughter.] I mean that seriously. They have been preparing themselves, not last night or yesterday, but for 25 years. They have been storing up their minds with these public questions and they can speak without writing out the speech. A Senator will go to his office and dictate his speech. He could dictate it here on the floor to the Official Reporters as well as he could dictate it to a stenographer, and probably would do a much better job on the floor than he would in his office. Many of them, however, must write out their speeches in their offices so they will be carried to the public and the press. The CONGRESSIONAL RECORD will do all that. So I very respectfully but affectionately, urge Senators to please get their speeches ready

and be prepared to make them without delaying the debate.

Mr. GUFFEY. Mr. President, I quite agree with the statement made by the distinguished chairman of the Foreign Relations Committee, that some of us have been preparing ourselves for this day. Twenty-five years ago I favored the League of Nations, and have been working for it ever since, and today I am in favor of ratification of the treaty. I do not propose to take any more time of the Senate to say anything more than I have already said. I hope the Senate will vote for or against the Charter at an early date.

Mr. THOMAS of Utah. Mr. President, by way of an accumulation of efforts, I should like to add my words to those of the Senator from Pennsylvania. Some of us have made world organization a life study and endeavor. Some of us have been ready at all times to defend the principle of collective security, to advance the idea that democracy is possible throughout the whole world, and that governments can act upon the basis of common consent.

As a result of the campaign for the League of Nations years ago, many persons have made studies of the attempts of various nations to form leagues and understandings, and to do away with the element in our world life which is called national strife, the element which in international law is called the last resort of kings. When something could not be decided by logic, reason, or law, resort was had to the sword.

There are a number of extremely interesting factors which I think are worth noting in regard to the way in which the United Nations Charter came into existence. By comparison with the past, we see that probably the world has moved into a position of greater understanding among nations.

It will be easy for us to remember that the League of Nations Covenant was embodied in the Treaty of Versailles. It was made a part of the treaty for good reasons which were explained at that time. I have been told that less than 10 days were required to write the League of Nations Covenant, and that the League of Nations was brought into existence, along with the treaty, in 11 days. That it is a remarkable document is proved by the fact that so many of the elements which were contained in the League Covenant are also contained in the Charter of the United Nations. But its manner of being brought forth and its manner of presentation to the world should at this time be contrasted to the way in which the United Nations Charter was brought into existence.

The United Nations Charter was brought into existence through consultation, open debate, and a meeting of representatives of 50 nations, a gathering of representatives of the peoples of the world, as is stated in the preamble to the Charter itself, a statement which has never been seen in an international treaty until this time, a statement which at one time was deemed to be so entirely out of order that within the past several decades, when an agreement for bringing about a limitation of naval armaments was under consideration, it was

felt by the representatives of one great nation that the agreement could not be adopted because it spoke of the peoples of various countries entering into it, and under the constitution of one country the people had no right to do so.

In many ways, Mr. President, the preamble to the Charter of the United Nations reflects the theory, as well as the substance, of the preamble to the Constitution of the United States. It struck me as noteworthy—and I am sure it must seem so to others—that the world was ready to accept, in word at least, if not in endeavor, the theory of popular sovereignty in regard to international relations.

It may be suggested that many persons supporting the United Nations in the war long ago pointed out that this was not only a war against wickedness and a war for righteousness, but a war in which people were interested in the welfare of the other people; and the United Nations Charter starts with that assumption.

My mind goes back—as I know the minds of other Senators must go back—to a letter written by Benjamin Franklin describing the meeting of representatives of the various States in our constitutional convention, wherein he pointed out that there had been in session during the whole of the summer a conference which would be described by a European as a meeting of representatives of nations. The Constitutional Convention was in session all summer. In many ways the United Nations Charter came into existence in keeping with the theories of our Constitutional Convention.

I also point out the fact that the greatest leaders in the Constitutional Convention, under the leadership of Franklin, arrived early. Only 55 men, all told, attended the convention. Many of them did not take their positions seriously. It seems almost sacrilege to say that in this day. They were late, just as many members of the original Senate were late in attending the first session of the Senate.

It is very interesting to note how such documents become great in spite of the indifference of those present during their consideration and those active in initiating them. However, it was a godsend to the American people and to the American Government that the representatives did come late, because it gave such great characters as Benjamin Franklin and George Washington an opportunity to talk together day after day and plan for the forthcoming meeting.

Mr. President, in international affairs we have discovered that our own institutions may serve as a guide for international arrangements.

There is another thing about adoption of the Charter for the United Nations drawn up at San Francisco which pleases me immensely; and, Mr. President, I am sure every other Senator is pleased. That is that it came into existence while we were still actually at war. There was a need for it. It was only 2 or 3 years ago that two of the greatest Allies in the present war made a pronouncement about one of the other allies in regard to extraterritoriality in China, for example. They said they



would not take it up or consider it then because it was a question to be considered when peace came, a question to be considered by negotiation after peace. It was pointed out on the floor of the Senate that any question which involved a difference between allies had better be decided while they were allies and while they were at war, insofar as concerned questions affecting them, not affecting the enemy or anyone else other than them. It was said then that if two allies could not settle a question, how could many nations meet together and try to settle a number of questions.

The war went forward. We renounced our extraterritorial rights in China. Our action in doing so has not made much difference to China physically, but it has made a tremendous difference to China spiritually. When Chiang Kai-shek met with representatives of the other Allied Nations at Cairo, he met on a basis of equality, the type of equality which is represented by the United Nations Charter.

Mr. President, there are other questions between us and our allies which can be solved between friends and should be solved on a day-to-day basis, and not left until some far-off day when all the questions of the world are supposedly to be settled at one time.

I do not believe the Charter of the United Nations has settled all the questions of the world. I am sure the Senator from Texas and his fine colleague from the House of Representatives, Representative BLOOM, who is sitting beside him at this time, and his other fine colleague who has just entered the Chamber [Mr. VANDENBERG] believe that the charter has not settled all the questions of the world. I am sure that not one of the three will say that the charter is the end of all trouble in the world. Mr. President, they have no more faith in the Charter of the United Nations than Benjamin Franklin, George Washington, and the other great fathers of our country had in the Constitution of the United States; but I believe they have just as much faith, and that faith has brought about wonders in the world.

In studying former charters and former leagues and former plans we find that efforts have been made to bring them into being since very early times. I think the first one dates back to approximately 1400 B. C. Even then men deemed that international strife should be done away with, that there was no sense or logic in wars. But what a time we have had in trying to get the world to accept those ideas, which are so apparent to all. No league has ever functioned effectively. No charter has ever proved efficient. Even under our Federal system we have never had a complete understanding or definition of our Government. As late as 1937 the American Federal Government was of necessity described, as a result of decisions of the Supreme Court, as a union of States with a separation of powers and varying jurisdictions—a union, to be sure, where the National Government could speak for most things; but when it came to commerce, for example, the National Government had no concern with manufacturing, no concern with mining, and

no concern with agriculture. A year after that we had a different conception of the Constitution, a very different conception, for we read a decision about a janitor in a South Carolina bank who is now deemed to be covered by Federal law and is supposed to be paid in accordance with fair labor standards.

Mr. President, the Charter is not a static instrument. It is merely a hopeful beginning of things which will occur in the world if all of us will put our ambition and our will to the task and if all of us will make up our minds that the will to peace is a source of the possible achievement of peace.

I am thinking of one great league which I have studied. It illustrates exactly what has been the trouble since the beginning of attempts to bring nations together. What took place in the fifth century B. C. will take place again if any nation which is a party to the United Nations Charter agreement uses the same sort of logic, for the result which ensued in the fifth century will result today. The word sovereignty is not old, Mr. President, but the basic idea behind it has always been understood. The phrase "balance of power" is not very old, but the idea behind it has always been understood. The phrase "the big absorb the small" and the phrase "the bulk of the nations will rule because of their bulk" are not old, but the theories or principles underlying them have always been understood and practiced. There was an ancient expression that "the big fish swallows the small fish." That expression is a splendid example of the application of the theory of sovereignty, the absolute opposite of what we have put into the Charter of the United Nations, which provides for protection of the smaller nations on the basis of equality of right in the sisterhood of nations, each sovereign in its own sphere.

Mr. President, there was the old checkerboard system of balance of power. In the fifth or sixth century, B. C., 14 nations formed a league which was about as good as the League of Nations. Thirteen of the nations agreed to adhere to the new scheme for maintaining peace. Peace was to be maintained by negotiations by peaceful agencies and by the use of various other methods. But the leader or the largest of the 14 states was so large that it needed no collective security, no means of collective protection. It had no necessity for collective bargaining, so to speak, because it naturally had sufficient power of its own. I remember that recently the Senator from Michigan explained that the force of the United Nations Charter resting in the Big Five and in the Big Three is simply a translation of what is already a fact. But, Mr. President, if any one of the Big Three assumes that it has no obligation, the United Nations Charter will be wrecked, just as others have been wrecked. What broke up the early union of nations to which I have referred was the statement by the leader of the greatest state that, in substance, "we have done very well on a theory of balance of power; we have done very well on a theory of our own strength and our own ability to maintain ourselves;" or, to put it in other language, he might have

said "We have done very well on the basis of our own sovereign right to be independent and in no sense responsible to our sister states, and therefore we will have none of this plan. We have gotten along very well so far, and we will continue to do so."

Mr. President, during the hearings a question was asked with reference to withdrawal. The theory of withdrawal from any group of states, of course, has in view the fact that the ability to do some good depends on certain things. I assume that there are certain obligations from which none of us has any right to withdraw. We fought a civil war in the United States over that question, and settled it. We can still debate the question in an academic way, and prove in an academic way, that those who lost were right. If, for example, any member of the United Nations Charter shall take the attitude of assuming that his nation may withdraw from the standards laid down by the brotherhood or sisterhood of nations, or the community of nations, and not act according to the spirit of the charter, the charter is already dead. About the only good thing which may be said of Japan and Germany is that they withdrew from the League of Nations before they expressed themselves by physical force. They said they would have nothing further to do with the moral restraint which had been imposed upon them by the sisterhood of nations.

Mr. President, if the time has not come when we may recognize the fact that there is a community of nations with power and morality of such a character that it can lay down standards to be observed by all nations, in their behavior toward one another, then we have not made very much progress in bringing about an international organization. We establish standards in our small communities, our cities, our counties, and in the States which make up our Nation. There is a community of interest which establishes certain standards. Those standards should be observed. I assume that the 50 nations which have signed the United Nations Charter have accepted the theory of decent behavior in accordance with the spirit of that charter. I assert that the time has come when no nation is sufficiently strong to withdraw from its obligation of decent behavior. All nations have such an obligation. It may be decided by one or more of them that they will no longer support the United Nations Charter, that their fees or dues shall no longer be paid, and that they will not send representatives to meetings of the United Nations organization, or be represented in any manner; but, Mr. President, the minute one nation says, in effect, "I am not under obligation to live up to the standards of the community of nations," we no longer have a league to enforce the peace, we have no international will expressed, and we have no better method of enforcing peace than the chaotic method now in vogue of disorganized independent sovereign states acting each for itself.

Mr. President, in Grotius' textbook on International Law it is stated that the law of nations applies to peace and to



war. Probably the international law of war is as strong as the international law of peace. It was assumed that with the death of the League of Nations perhaps the international right to deal with questions affecting the peace died also. There was the law of neutrality. When the Pact of Paris was adopted outlawing war it was thought that it would have considerable effect. Subsequently, however, Italy—perhaps legally—broke with the pact and thereby broke a treaty with all the nations which had signed it. If the nations remaining in the pact had had the moral force of a community which could have insisted that the pact not be broken, Mussolini would have been stopped. Everyone knows that to be so.

Mr. President, I believe that through the San Francisco Charter we have taken a great step forward. We have brought a Charter into existence by the will and by the representatives of the peoples of 50 nations.

I happened to be present at the time our adherence to the World Court was discussed by the League of Nations. I was present when reservations were discussed. I was present on the day on which Germany was voted in as a member of the League of Nations. I had the honor to sit right by Mrs. Woodrow Wilson. My mind and my thoughts were reflected in the belief that at last the almost impossible task of achieving peaceful international relations had been accomplished.

When Germany became a member of the League readjustment immediately started. Great offices were taken over. That former enemy—think of it, Mr. President—within 7 years after her defeat was invited into the sisterhood of nations. Perhaps she did not come into the membership with entire honesty. Perhaps even at that time the Dawes plan, the Young plan, and various other plans in relation to reparations were being put into effect. I know that at that time there was wilful advertising of sentiment against the Treaty of Versailles, and an attempt was being made to make it appear that the treaty was holding back the German people, and that it was unjust and wrong.

Mr. President, my thoughts today go back to times in the past when we have been disappointed. I think probably it should be mentioned that the debate on this Charter took place in San Francisco and that the discussions which took place between the representatives assembled there of the nations which later signed the Charter brought about the decision to agree to the Charter. Possibly that is why the Senator from Utah was called upon by the chairman of the Foreign Relations Committee to take the floor in debate at a time when there was no other Senator ready to proceed.

Mr. President, I know that it is within the heart of every Senator in this great Chamber, no matter how he may vote on the Charter, to hope that the Charter organization will succeed. There is no one who will oppose it for any other reason than that of protecting American rights; no one will oppose it because that which has been done is wrong. It probably could have been done better, but, Mr. President, could there be anything

better than to bring about working machinery in which 50 nations have confidence? With the institution once set up, the rest may take care of itself, providing the will to peace is there, and providing, as I have already said, each nation is willing to give its little in order that all may be advantaged.

I am proud of the fact that the United States has taken the leadership in bringing about the creation of this Charter. I am doubly proud of the fact, because the United States is one nation that is sufficiently powerful to be able to get along without the Charter. Strange to relate, our power seems to be so great that we not only have to sustain other nations in war but also in peace. Should we do it? There must be a moral evaluation before the answer can be made. That we have done it is right, and that we are going to continue to do it is also right.

When I made a contrast with the great league of 14 States in the fifth or sixth century B. C., I mentioned the fact that there was a great nation which declined to participate because it did not need the league. We do not need it physically, we do not need it economically, but we need it morally. The whole world looks to the leadership which is ours and which has come as a result of our experience as a government. If we will only use those methods and those practices which we have worked out under our own constitutional system and will follow what has been our way in the uniting states, we can produce the ideals of peace rather than the ideals of war.

I should like to use an illustration, since I have used American history, to point out a lost chance, a lost opportunity. Probably one of the greatest ideas that came out of the Treaty of Versailles was the mandate system. It was an idea magnificent—the idea of trusteeships. Mr. President, the mandate system has both worked and failed. When the advantage-taker has moved into the field it has not worked, and the reason it has not worked is that it was not a true trustee system at all. Whenever the organization granting the authority is smaller than the trustee himself, the trustee cannot be controlled. So when the League of Nations appointed a mandate commission to supervise mandates and made the greatest nations in the world the mandatory states the mandate commission could point out what had been improperly done, but could not take corrective steps. So our enemy in the Pacific was one of the advantage-takers, and the mandate commission was not sufficiently large or sufficiently strong to correct this enemy. Therefore all the principles of the trusteeship were ignored, and our boys are losing their lives today because those principles were ignored.

Probably we should have objected to the fortification of the mandated islands, and yet we must remember that all the islands of the Pacific which have been fortified by Japan were not mandated islands; only a few of them were mandated, but still Japan did not live up to her obligations under the mandate. Why? Because in every case it was not a true trusteeship. There was no one

to correct her, and that can be said for some of our allies, too; and they ignored the mandate commission, and so the mandate system failed. I repeat the trustee notion is one of the greatest ideas advanced in the last two decades. It is around that trustee system that I would build the defense element that will be necessary.

If I have a criticism of the Charter, it is that it assumes that the only terrible wars are world wars. Mr. President, no world war ever started as a world war. It is the small war that should be put down, and then it does not grow into a world war.

Here again United States history gives us the key as to how territory which belongs to no one in particular but is held in trust for all should be administered. How it happened I do not know; it was almost genius or inspiration; but when the Confederation was set up in our Revolutionary War, Maryland refused to join the Confederation until Virginia and Massachusetts gave up their rival claims to the Northwest Territory. This is mere schoolboy stuff, Mr. President, something Senators know, but in it lies the key to a successful movement. There is the origin of the trustee system in actual practice in our own country. Virginia gave up her claim to the Northwest Territory, Massachusetts gave up her claim, and the Northwest Territory was given to the United States to administer, and the United States of America at last had a foot of land which it could call its own. It became a nation by that act, under the Confederation it was not a nation. It could appoint governors; it could send out armies to administer; it had the right to administer territory.

If the United Nations accept the trusteeship, and administer it in the sense that it will have to have an administrator, will have to have a law enforcer, will have to have a nucleus of some armed forces, there will be sufficient power to stop any action on the part of an evil-minded aggressor such as took place in 1937, both in Asia and in Africa. Those are the types of things which can be developed if we understand the technique.

Mr. President, for me to stand here and talk in this way means probably that I am taking myself too seriously, especially when my hand rests on a couple of thousand of pages of hearings, and when I look around and see in the gallery and on the floor men who took part in the proceedings from which came the charter.

I doubt whether there will be the need for the type of great debates we had in 1919. That need has been dispelled, not so much because the people have all changed their minds, as the columnists tell us, but because in the technique of international arrangement, and international timing, and international doing, we have gone forward, and there is simply no comparison between what happened at San Francisco and the Charter which resulted, and what happened at Versailles and the League which resulted. In the one case there was a group of persons who were imposing a peace upon an enemy; in the other there was action in the democratic way by representatives of peoples of the whole earth, who had



leagued themselves in spirit to draw up a charter which would guide their actions, and create the standards for a community of nations.

A community of nations is recognized as a fact. It will have its success or it will have its failure just as the component members of the community decide. A bully in any community can wreck the standards of the community, I care not how large or how small it may be. A bully among the nations can wreck the standards of the nations, unless the power or the force or the mastery of the community is expressed against it. My hope for the Charter is that the power of the community will be so expressed. I believe the world has recognized the existence of a community of nations, and will recognize the standards the community has laid down, and the ideals which the representatives of the various peoples have put into the Charter.

Mr. President, I shall vote for and support the charter.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Alken	Gurney	Murray
Andrews	Hart	O'Daniel
Ball	Hatch	O'Mahoney
Barkley	Hawkes	Pepper
Billbo	Hayden	Radcliffe
Briggs	Hickenlooper	Revercomb
Brooks	Hill	Robertson
Burton	Hoey	Russell
Bushfield	Johnson, Colo.	Saltonstall
Butler	Johnston, S. C.	Shipstead
Byrd	Kilgore	Smith
Capehart	La Follette	Stewart
Capper	Langer	Taft
Chandler	Lucas	Taylor
Chavez	McCarran	Thomas, Okla.
Connally	McClellan	Thomas, Utah
Cordon	McFarland	Tunnell
Donnell	McKellar	Vandenberg
Downey	McMahon	Wagner
Eastland	Maybank	Walsh
Ellender	Mead	Wheeler
Ferguson	Millikin	Wherry
Fulbright	Mitchell	White
George	Moore	Wiley
Green	Morse	Willis
Guffey	Murdoch	Young

The PRESIDING OFFICER. Seventy-eight Senators have answered to their names. A quorum is present.

Mr. FULBRIGHT. Mr. President, I rise in support of the Charter. I have no hesitation in saying that I think it is the most important document that has come before this body, or any other body, during the last 25 years.

In fact, I think it ranks in importance alongside the Declaration of Independence, the Constitution of the United States, the Emancipation Proclamation, and the League of Nations, as one of the most important documents in the history of our country.

Before going further I wish to pay tribute to the wisdom and foresight with which the distinguished Senator from Texas [Mr. CONNALLY], so ably assisted by the members of his committee, have laid the background for the adoption of this Charter. Likewise I think all of us should remember that President Roosevelt was the inspiration for much of the good work which has been done during

the past several years in the promotion of the conditions which are favorable to the adoption of the Charter. Especially does he deserve credit for having had the good sense to bring into the service of peace the talents of the Members of the Senate. It was the mark of a truly great statesman that he utilized the Members of this body both at Chapultepec and at San Francisco.

The able and distinguished chairman of the Committee on Foreign Relations and the senior Senator from Michigan [Mr. VANDENBERG] have explained the Charter so thoroughly and so persuasively that I hesitate to say anything further by way of persuasion. Sometimes I wish that they had not been quite so persuasive. A little more spirited debate, a little more opposition on the floor might serve to sharpen our understanding and our appreciation of the true significance of this agreement. I find myself somewhat suspicious of the unanimity with which the charter is apparently received by this body. Practically no measure of real importance has been accepted with such docility by the opposition. Only a few days ago the Reciprocal Trade Act and the Bretton Woods proposals were vigorously opposed and yet they are integral parts of the general plan and purpose embodied in this Charter. It is somewhat difficult for me to understand how Senators who opposed those two acts can now accept the San Francisco Charter, unless they misconstrue the significance of the charter.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LUCAS. The Senator might include the Food Conference also.

Mr. FULBRIGHT. Yes, and the Food Conference. When we recall the great tension and excitement which prevailed in this Chamber only a short time ago when we were considering the nomination of a relatively minor official of the Government, it is strange indeed to contemplate the contrast in the interest which is evident upon that sort of thing and the consideration of certainly one of the greatest and most important acts that has ever come before this body.

Can it be that the Senators do not recognize that, if we are accepting this charter in good faith, it means a complete departure from our traditional policy in international relations? Is this docility attributable to the belief that this charter means nothing, that it is an idle gesture? Is it possible that those who steadfastly and sincerely have believed that America can live apart from the world, have changed their minds, or do they think that the present sentiment is only a passing fancy and that as soon as the horrors of war recede into the past we shall return to the exclusiveness of the twenties and thirties? This unanimity disturbs me because I feel that it may not reflect the true convictions of this body.

I have the feeling, Mr. President, that perhaps the Charter has been oversold, both to the public and to the Senate. By this I mean that the obligations and responsibilities we are assuming have been played down and have been presented in a negative manner.

Mr. HATCH. Mr. President—

The PRESIDING OFFICER (Mr. MURDOCK in the chair). Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. FULBRIGHT. I yield.

Mr. HATCH. The Senator said he was disturbed over whether the unanimity of opinion in the Senate might not truly reflect the sentiments of Members of this body. What does the Senator think about the sentiments of the people of the country?

Mr. FULBRIGHT. I think the sentiments of the people of the country are, as was reported earlier today, 20 to 1 in favor of the Charter. I have no doubt in my mind that that is, practically speaking, unanimity.

Mr. HATCH. The lack of opposition to the Charter in the Senate then does truly reflect the sentiment of the people of America?

Mr. FULBRIGHT. But I think in 1919 there was likewise quite the same unanimity among the people of the country, but it did not show up in the Senate. I call the Senator's attention to the opposition to the important measures which I have just mentioned, and I think the sentiment of the American people in regard to them is likewise as strongly in favor of them. I am simply questioning the unanimity in the Senate now. I said I was suspicious of it. When I say it is oversold I mean that the obligations and responsibilities we are assuming have been played down and have been presented in a negative manner. Some discussions of the Charter would lead one to believe that it is a thoroughly innocuous organization. Of course, I do not subscribe to that view, but it is of the utmost importance that we have a true understanding of its powers, of the positive things it proposes, as well as of its limitations if we are to avoid disillusionment about the charter in the future.

It must be clearly understood that this Charter does not ipso facto prevent war. This United Nations Organization is only the framework within which nations have an opportunity to solve their problems by mutual agreement rather than by force. It is the machinery by which reason may be applied to the adjustment of conflicting interests among nations, but it does not automatically adjust those conflicts. The making of peace is a process continuing from year to year so long as our civilization shall last. This process cannot be reduced to a simple formula. Peace is not a negative, static concept. It is not a tranquil state of felicity and blessedness. It is a positive method of adjusting the endless conflicts inherent in the nature of restless and energetic men. The institution of law based on justice and adaptable to the ever-changing life of man has been such a method in the history of mankind.

Some machinery is essential for this purpose, but of much greater importance than any particular provision or device in the machinery, is what the governments and the peoples of the powerful nations are likely to do during the years ahead. If the peoples of the Big Five Nations, and more particularly of the Big Three, are determined to exercise their power with wisdom and foresight

in the cause of peace, then this charter is adequate as a vehicle for the transition to a world of law and order. On the other hand, if these peoples refuse to make the transition, the Charter will fail and catastrophe will again overtake us. That will not be because of a defect in the charter itself.

So much has been said, Mr. President, about the virtues of the Charter that it seems to me it would serve no purpose to repeat them now. I am quite confident that I could not improve upon the exposition of the senior Senator from Texas and the senior Senator from Michigan in that respect. Therefore, I should like to offer a criticism, not as a reason to oppose its adoption or to disparage its immediate value, but simply as a suggestion for consideration during the process of making it work in the years ahead.

The first principle of the Organization contained in article 2 states:

The Organization and its members, in pursuit of the purposes stated in article 1, shall act in accordance with the following principles

1. The Organization is based on the principle of the sovereign equality of all its members.

I think this is a very unfortunate principle to begin with. It is unfortunate because it is not true in fact, and the organization itself denies it in the allocation of power in the Security Council. It is unfortunate because it reaffirms our allegiance to the concept of national sovereignty under which our civilization has so closely approached self-destruction. It is unfortunate because if the absolute sovereignty of the nation states is rigidly preserved, then it means a denial to begin with of the only evolutionary goal which might eventually give us a rule of law based on justice in place of the capricious and ruthless rule of force. Finally, it is unfortunate because it has caused some of the most ardent supporters of the Charter to assure this Nation and the people that there is absolutely no sacrifice of our sovereignty and none is intended, thereby denying by implication the ultimate objective of the organization itself.

The very word "sovereignty" is uncertain and to me objectionable and much confusion results from its use. To many people it has some mystical connotation in some way associated with Divinity. In days gone by when men were slaves, their masters imposed their will by an appeal to the divine right of kings. "Your sovereign by appointment from the All Highest" was the doctrine. My Funk & Wagnalls dictionary says this about "sovereign":

Exercising or possessing supreme jurisdiction or powers; royal. One who possesses supreme authority, especially a person or a determinate body of persons in whom the supreme power of the state is vested; a monarch.

Roget's Thesaurus uses these words:

Ruler, potentate, monarch, suzerain, king.

It seems to me most inappropriate for us at this late date to go back to the middle ages to find a concept for the first principle of this organization. More than three hundred years ago our fore-

fathers started the long hard struggle to destroy the sovereignty of the kings and rulers who enslaved the people and to substitute the rule of law in their place. Sovereignty, according to our democratic principles, resides in the people or community, not in the governments which they create. Only a totalitarian or Fascist state is sovereign. The people may create laws to preserve peace among them; and in fact peace with freedom has been and can be preserved only by the rule of law. The people may delegate any powers they wish to their representatives, but they do not delegate their sovereignty to their government.

Ever since men have first banded together to form democratic communities they have delegated powers to govern to various institutions—tribal, municipal, and national. Today within these United States the community of citizens has delegated different powers to the townships, the municipalities, the counties, the States, and to the Nation. These delegations do not exhaust the powers of the people, as the Constitution expressly recognizes in the reservation to the people of all powers not specifically granted. Hence, it is clear that the people of this Nation, and of all democratic nations, have not only the power, but also, one may say, the duty to create by additional delegation an institution adequate to preserve their integrity and freedom.

This United Nations Charter is an agreement among governments, not peoples. When it states that the first principle is the sovereign equality of its members it does not state the facts as they exist. Does anyone believe that the states of Nicaragua and Luxemburg, within the Charter or without the Charter, are equal to Russia or the United States? The people of the countries as individuals may be equal before the law, but there is no established international law, and the agreement does not relate to people. Equality alone has no meaning. It has meaning only in the sense of equality under the law or before God. The document itself recognizes the inequality of these so-called sovereignties by the unequal allocation of power and responsibility to the Big Five. I do not complain of this. It is a necessary recognition of the world as it is. I complain only of the deception resulting from the first principle as expressed.

The most serious consequence of the use of this unfortunate word is the probability that it fortifies and revitalizes the extreme nationalism which is quite inconsistent with the establishment of rules of conduct for all nations. I do not expect the nations to disavow their nationalism under the circumstances as they exist in the world today. There is entirely too much suspicion and distrust. It is for that reason that I do not complain of the use of the veto power or the organization of the Security Council at this time. But it does seem to me that the ultimate objective of international cooperation and peace necessarily involves the development of rules of conduct universally accepted and enforceable. Any rules or laws universally accepted and enforceable are inconsistent

with the absolute sovereignty of present-day nations.

This malady of mankind is not a recent affliction. More than 350 years ago, in 1693, William Penn, who gave us the great Commonwealth of Pennsylvania was deeply concerned over the problem of war. He recognized at that early date that the sovereignty of independent States was one of the principal obstacles to peace. His answer to the objection that such States would never give up their sovereignty is worth our consideration. He said that a State may remain as sovereign as ever at home, which surely is all the unlimited power any State should want or have, for indeed does not a demand for sovereignty abroad simply mean sovereignty over another State that itself wishes to be sovereign? In the course of his exposition, Penn made a statement which might well be quoted:

So that the sovereignties are as they were, for none of them have now any sovereignty over one another: And if this be called a lessening of their power, it must be only because the great fish can no longer eat up the little ones, and that each sovereignty is equally defended from injuries, and disabled from committing them.

If this be true—and I think it is—the only rational excuse for insisting upon absolute sovereignty must be that the big fish has designs upon some little fish. If this Nation does not have such designs, it is pure stupidity to encourage the designs of others.

Just 100 years after Penn, Emmanuel Kant, one of the greatest thinkers of all time, had this to say about sovereignty in his Essay on Perpetual Peace:

There is no intelligible meaning in the idea of the law of nations as giving a right to make war; for that must be a right to decide what is just, not in accordance with universal, external laws limiting the freedom of each individual, but by means of one-sided maxims applied by force. We must then understand by this that men of such ways of thinking are quite justly served, when they destroy one another, and thus find perpetual peace in the wide grave which covers all the abominations of acts of violence as well as the authors of such deeds. For states, in their relation to one another, there can be, according to reason, no other way of advancing from that lawless condition which unceasing war implies, than by giving up their savage lawless freedom, just as individual men have done, and yielding to the coercion of public laws. Thus they can form a state of nations, one, too, which will be ever-increasing and would finally embrace all the peoples of the earth.

In 1795, when Kant wrote, war was incomparably less destructive than it is today, yet he recognized its evil potentialities, and he clearly expressed the only principle by which war may be eliminated. That principle is no less valid today than it was 150 years ago. The necessity for its application, however, has become infinitely more urgent.

I cannot help but think that the principal reason for the unexpected approval in certain quarters of the Charter may have been induced by the assurance which some proponents have made that we sacrifice none of our American sovereignty. This implies that there will be no change in the status quo, that we



shall have peace without paying anything for it.

There is confusion of thought about this sacrifice of sovereignty. In truth, we would not sacrifice anything by delegating authority to an organization even more powerful than the one herein contemplated.

The question is not one of surrendering or sacrificing national sovereignty. It is not a negative action and does not involve giving up something we already have. The objective is positive; it is the creating of something we do not have. It is the acquisition of a power for the lack of which we and the world have narrowly missed domination by the most ruthless forces the world has ever seen.

The people of the United States created their Government under law, for the purpose of promoting tranquility among themselves and protection against aggressive enemies. They exercised their sovereignty in adopting the Constitution and creating the Federal Government. For more than a century and a quarter this was an effective system. Now within 25 years they have, much against their will and in spite of all they could do, been involved in two wars. The lesson of this war is, I believe, clear, namely, that as a civilized society of free men we cannot survive another world war. The destructive power of science is simply too great. The conclusion is that our Government cannot longer fulfill completely the purpose for which it was created. It can no longer protect our people from the disastrous effects of war, even though victorious in the warfare itself. Therefore, it is entirely appropriate, in fact it is essential, that our people consider the delegation of power to some other and higher organization which is reasonably designed to perform the function which this Government cannot perform. This we shall do by the acceptance of this Charter and in the progressive building of the United Nations Organization into an effective system of law and order. In creating a more effective instrumentality to protect the people from war and destruction, how can it possibly be said to be the surrender of sovereignty or of anything else? It is not a surrender. It is the acquisition of a power previously nonexistent. Just as we have acquired new powers through machines, we must acquire new powers through political organization. In truth, our real purpose is the adjustment of our governmental machinery to the consequences of the machine tool, radio, the airplane, the bomb, and the submarine. Except for these machines there would not be the urgent necessity which now faces us for a United Nations Organization.

The one error, which we must not, above all others, make, is to assume that this organization is the final word. On the contrary, it is certain to be merely the first modest and hesitant step, sufficient to point the direction, but utterly inadequate to achieve the goal of lasting peace. Like the confederation of the Thirteen Colonies, it will serve to point the way, to delineate the problems; but it will not solve them. It will be a fatal error if we do not follow the example of

our founding fathers and be prepared and willing to strengthen this organization so that eventually a body of laws may be developed to keep the peace. We are entering a new field. It is a transitional period, and we must be wise and alert to see that the movement toward the goal is sure and certain. The penalty for failure is likely to be the destruction of everything we value as civilized human beings.

Mr. President, I wish to repeat that my objection to the first principle of this Charter does not seriously lessen my satisfaction that the Charter is before this body and will be adopted. My observations pertain more to the development of our policy through the operation of the Charter than to the instrument itself. I do not think we should become slaves to written instruments. We must trust our fortune to the intelligence and wisdom of our people, where in truth the sovereignty of this Nation resides. I have been immensely gratified at the enormous progress the Senate has made during the past 2 years. Under the leadership of the distinguished chairman of the Committee on Foreign Relations this body has traveled a long way in its appreciation of our foreign affairs. It was less than 2 years ago that the Senate adopted the Connally resolution, and now within three short weeks we have adopted with overwhelming, bipartisan support the Bretton Woods proposals, we have extended the Export-Import Bank with enlarged powers, and we have authorized our adherence to the Food and Agriculture Organization. I think it is a remarkable performance, and I am proud to be a Member of such a body. I think the world has good reason to take hope for the future, from the actions of this body within the past 2 weeks.

In conclusion, Mr. President, I recognize that we are striking out into new and unfamiliar territory. We are assuming great responsibilities, and there will be unforeseen difficulties. There can be no guaranty of success. Our hope lies in the good sense and the understanding of our people as to the nature of the process and of the goal to be achieved. We must not be impatient. It took countless centuries for us to develop rules of conduct first for the families, then for the tribes, villages, cities, provinces, principalities, and nation states. The destructiveness of modern science has increased the urgency for speeding up the process of extending rules of law throughout the world, but so has our ability to respond been accelerated.

Within the short space of 5 years this Nation has come to recognize the utter futility and absurdity of passive detachment from the affairs of the world. Regardless of the skeptics, who think people never learn from experience, I believe our people now recognize that neutrality and nonintervention constitute a disastrous foreign policy. In the quest for new principles to guide us, I am confident that eventually we shall see that absolute national sovereignty is an obsolete and dangerous principle, and that a system of law and justice is the only method of maintaining peace. The organization we are now creating is the

first step in that direction. The court and the executive have been provided. Surely the senseless and tragic sacrifices of this war are sufficient to induce us to create the rules of law.

With the adoption of this Charter, together with the measures to which I have previously referred, we have fashioned the tools with which our President, with our continuing help, should be able to create a more decent and a happier world for ourselves, our children, and the suffering and bewildered peoples of the world.

Mr. WILEY. Mr. President, with her ratification of the United Nations Charter, America is embarking on a great new adventure. She is cutting her moorings with the past. She is setting forth on the rough and challenging seas of international cooperation, financial, political, and social.

But the American crew—our people—are steadfast in their determination to make this a successful voyage, a voyage to a just and lasting peace, to be enjoyed by all free peoples of the earth.

We are not embarking upon this voyage of international collaboration because we want to meddle in other people's affairs. No. That is not the reason. We have found out in two world wars that this is a pretty small world, and that we were precipitated into those wars because other nations meddled in our affairs. Now we want to see if, by our aid and cooperation, we and all other nations can stop war on this planet.

For the American people it is merely another experiment in a long line of great American experiments.

Here on this continent we have tried:

(a) Government by the common man in town meetings, in colonies, in States, and finally in a united nation.

(b) After the American Revolution we tried the idea of a loose union of States under the Articles of Confederation. That experiment did not work.

(c) Then we tried a system which was unique in government—the American Republic. It was a United States system of checks and balances. It worked, though it had a severe test in a civil war. It worked because people made it work. The foundation stone of the Republic—the Constitution—had no vitality in itself. However, the ideas contained therein, in the Declaration of Independence, and in the Bill of Rights, dwelling in the hearts, minds, and souls of Americans, stabilized our American race, which had stemmed from every racial group in Europe, into a people fit for a people's government. Therefore, the third experiment succeeded.

Mr. President, now that we are about to enter upon this great fourth adventure, we must not doubt our ability as a people to give guidance, direction, and aid to the world in this hour of its crucifixion. With humbleness and a reliance on Him who has called us unto a high purpose we must go forward.

Out of the Book of Books, in Numbers, chapter 13, from verse 17 to the end of the chapter, we find the challenging incident of Moses sending 12 spies into the land of Canaan. Moses knew the importance of magnifying the faith and ability of the participants if the job were

to succeed. Yes, when that group of 12 returned, there were a majority report and a minority report. The majority of 10 reported that they had looked over the promised land, and said that it was impossible to undertake the job. They recommended "nothing doing," and said that the people should return to slavery in Egypt. But there was a minority report. A young man by the name of Caleb made the report, and he said something like this: "We have found this land to be wonderful, and inasmuch as Jehovah has promised it to us we recommend that we go forth and, with the help of Jehovah, conquer the giants."

The majority report, filled with fear and helplessness, carried Fear had done its worst. Failure was the result, and a whole generation passed away. New blood had to take the place of the old before there could be favorable action on the minority report, and the Promised Land became theirs.

Does not this historic incident remind us of how the world failed after the last World War? The nations went right up to the border of the Land of Promise—world peace through world collaboration—and then turned back. The Israelites of the wilderness, who adopted the majority report, failed to find the Land of Promise because of their lack of faith. After the last World War the nations of earth failed because of their lack of faith, and lack of vision. One reason which the Israelites assigned for the failure to take action was, "We were in our own sight as grasshoppers, and so were we to them."

Mr. President, if we in America and the people of the other nations of earth enter into this compact with the idea that it will not work, that it cannot work, then we regard ourselves as "grasshoppers."

But there is another reason why the men of Israel failed, and why the nations of the world have heretofore failed. That reason is that they have not been willing to pay what it takes to possess the Promised Land. Adequacy to meet any problem is available to the peoples of the earth. It has ever been available. But the people will not reach for that adequacy. It has been said that wars are man-made. Peace will also be man-made when man lays aside those things which make for war. We are told, too, that "faith is the substance of things hoped for, the evidence of things not seen."

Now, what are some of the "giants" which appear in the way of our going into the Promised Land, the "giants" of this day and generation? I enumerate some of them:

First. The Balkan situation, with Marshal Tito as the spearhead of the Pan-Slav Movement, with Russia behind the movement.

Second. Russia's demand on Turkey for control of the Dardanelles.

Third. The boundary situation in Europe, with special emphasis in relation to Poland.

Fourth. The Russian-Chinese situation concerning outer Mongolia and Manchuria.

Fifth. The disposition and handling of Germany in the postwar period.

Sixth. Commercial rivalries among the nations.

Seventh. Disposition of Korea and other possessions of Japan.

There are many other "giants" in this picture, but please remember that when the new generation of Israelites had overcome their doubt and their fear, and thus had become filled with a spirit to conquer the "giants," they went in and took the Promised Land. It is with that faith that we and the other nations must proceed if we are to make this charter work.

I am going to do my part to launch us successfully on our great adventure. I shall cast my vote for the ratification of the Charter without reservations. I shall do so wholeheartedly and proudly. I shall feel some concern, to be sure, knowing that this great project will not have an easy and quick success. But I shall have the faith and shall offer my humble prayer that it will eventually and enduringly succeed. And I shall dedicate my every effort and energy to make it succeed.

I shall cast my vote with the fervent hope that my vote, the votes of my colleagues, and the support of the American people at home and abroad will find fruition in a world organization which will realize our dearest desire—justice for all, peace for all.

With the charter we have a definite course to follow which may lead to a just and lasting peace. With the Charter, we have a highway of peace to travel. It is not an easy highway. There will be stumbling blocks and dead-end paths. But the highway to a just and lasting peace does have finer posts or signposts, as outlined in the Charter and in our past experience. So we can take this highway with confidence, with courage and with faith.

But without the United Nations Charter, there is no highway to peace, no road which we can take to end the scourge of war.

That is our choice—the highway of the Charter or no highway of peace.

But this does not mean that the United States is going to rely exclusively on the charter for her protection from war.

It does not mean that America will be putting all her security eggs in the basket of the charter. On the contrary, we ourselves must keep our powder dry. After the war, we must remain strong militarily, strong politically, strong spiritually. Eternal vigilance will still be the price of liberty.

But the Charter will be of help in keeping America out of war by keeping war out of the world. If the Charter is used properly, it will put out the incipient fires of war before they get started.

We must note that big "if"—"if the charter is used properly."

We must remember that the Charter is merely a collection of 10,000 words. They can become empty words. The charter itself can become another scrap of paper, just as the Nine Power Pact was or the League of Nations Covenant was.

Yes; the Charter will not be worth the paper on which it is written unless all the signatory nations have the will, the intent, and the purpose to live up to

their obligations as outlined in the charter.

For years I have emphasized this point. The nations must have more than documents of peace. They must have the continuing spirit of peace.

So the United Nations Charter challenges us all to fulfill the spirit of its 10,000 words. It challenges us to realize its great possibilities to make a peaceful world.

This is our hour of decision. This is a time for greatness. We must be as great in carrying out the blueprints of peace as our gallant boys have been in carrying out the blueprints of war.

We must be adequate to the great challenges of peace. If we are adequate, we of this generation will become the saviors of the race. If we are not adequate, then war will come again and again to suffering mankind.

Adequacy will be ours—if we reach for it, if we are inspired by God's direction. We must fulfill the great promise of Isaiah:

I create new heavens and a new earth.

It can be done if we awaken from the nightmare of the past, if we try to understand other nations' viewpoints, their problems, their fears, and if they try to understand ours.

"We must put ourselves in the other fellows' shoes," as Lincoln said. We must understand their different political, economic, and social concepts, Russia's different concepts, England's different concepts. We must rid ourselves of the "little foxes," the little hates, the little sins which create ill-will among nations.

It can be done. It must be done.

War, I repeat, is man-made. Peace must be man-made, made in action, in living, not merely in promises. We must act to breathe the spirit of life into the San Francisco Charter.

Mr. President, the people of Wisconsin sent me to the Senate of the United States on January 3, 1939. Every day and month and year since have been filled with dynamic changes in the world. In those years the principles which I now enumerate have proved a guide to me:

First. Protect, defend and conserve America—her human and physical resources—first, last, and always.

Second. Live up to our high obligations in this ever contracting world, of every new technological advances.

Third. Abide by the Constitution of the United States.

Fourth. Have faith in America, in her institutions and in the meaning of those institutions to the world.

Fifth. Cultivate the spirit more than the letter of the growing, evolving law of the nations.

Sixth. Feel sympathetically, think realistically, speak frankly, act forthrightly, in our relations with other nations.

Seventh. Build the base for a sound foreign policy upon the foundation of a sound domestic policy.

Eighth. Establish the closest possible foreign policy teamwork between the executive and legislative branches of Government.



Ninth. Find the truth about foreign, as well as domestic, affairs, disseminate the truth, follow the truth.

Tenth. Recognize that world collaboration is the answer to war. How to get the nations to collaborate is the real issue.

Mr. President, a former Vice President, commenting on the failure of the nations—not simply America's failure to join the League—but the failure of the nations to put into operation the machinery to do away with war, said: "The world was not ready for the League." The real question now is, Is the world now ready for the Charter?

President Truman referred to a generation which has "twice failed to keep the peace." This United Nations Charter is the answer to that indictment. But it will be an imperfect answer unless the letter of the Charter is made a living thing by the action of the contracting parties. It is evident that it would be no answer if it failed to have behind it the spirit and the will for peace, to make the charter a living thing throughout the world as the spirit and the will of the American people made the Constitution of the United States a living thing. Without that spirit, without the will, the charter we shall ratify here will be another futile attempt similar to many others the centuries have witnessed.

Fifty countries worked for 9 weeks on this charter, but behind it are centuries of hope, of faith, and of experience. By a standing vote, 50 nations in the final plenary session at San Francisco unanimously accepted the Charter for a new world Organization. But standing behind the representatives of those 50 nations, there were millions of men standing in the mists of immortality, and there were also hundreds of millions of men—decent men—on this globe who will also stand up and be counted to be supporters of this great adventure.

This Charter was nobly conceived; it must be nobly sustained. We know that the five great nations, and particularly the three great nations, on whom will fall the brunt of the responsibility for preserving peace and order and decency in the world—with them particularly there must be unanimity of purpose. The Charter provides a new, up-to-date Organization which is but a variation of a very old theme. It is older than the balances of power established at Westphalia, Utrecht, Vienna, and Versailles. It devolves the unanimity of Yalta and it advances the proposals of Dumbarton Oaks. It is a goodly mixture of idealism and practicality.

Mr. President, in my opening remarks I said America is embarking on a great new adventure. I believe it is absolutely imperative that following the adoption of this Charter we embark on a realistic program designed to maintain our effectiveness as a national instrument for world peace. Such a development was envisioned in the Charter, but it remains for us to make it a reality. America must remain alert and prepared. I speak now in the interest of preserving the United States as a potent force for world peace.

Mr. BARKLEY. Mr. President, the debate on the Charter has proceeded to-

day in good order. Probably I should not say "debate," because it is not really a debate. The addresses which have been delivered upon the Charter have been of a high order, and I am sure that that high order will be maintained during the remainder of the consideration of the charter.

Obviously no other Senator wishes to address the Senate this afternoon, and it is my purpose to move to recess until 11 o'clock a. m. tomorrow. The Senate will recall that last week I suggested that we meet at 12 o'clock today, but that from now on we meet at 11. I hope I may be on my feet in time to receive recognition from the Chair to say what I have to say about the Charter upon the reconvening of the Senate tomorrow.

The PRESIDENT pro tempore. May the Chair make a suggestion to the Senator from Kentucky?

Mr. BARKLEY. I should be happy to have the Chair's suggestion.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Kentucky now, and the Senator from Kentucky will have the floor when the Senate reconvenes tomorrow.

Mr. BARKLEY. I thank the President pro tempore. I accept his suggestion.

#### RECESS

Mr. BARKLEY. Mr. President, there being nothing further on the Executive Calendar for disposition this afternoon, I now move, as in executive session, that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 16 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, July 24, 1945, at 11 o'clock a. m.

#### NOMINATIONS

Executive nominations received by the Senate July 23 (legislative day of July 9), 1945:

##### IN THE COAST GUARD

Rear Adm. Edward H. Smith, United States Coast Guard, to be a rear admiral, for temporary service, in the Coast Guard, to rank from June 30, 1942, while serving as district Coast Guard officer, Third Naval District, or in any other assignment for which the rank of rear admiral is authorized.

Commodore Gordon T. Finlay, United States Coast Guard, to be a rear admiral, for temporary service, in the Coast Guard, to rank from June 1, 1945, while serving as district Coast Guard officer, Eighth Naval District, or in any other assignment for which the rank of rear admiral is authorized.

Commodore Earl G. Rose, United States Coast Guard, to be a rear admiral, for temporary service, in the Coast Guard, to rank from June 1, 1945, while serving as task force commander in the United States Atlantic Fleet, or in any other assignment for which the rank of rear admiral is authorized.

Capt. Milton R. Daniels (E), United States Coast Guard, to be a commodore, for temporary service, in the Coast Guard, to rank from June 1, 1945, while serving as District Coast Guard officer, Fourth Naval District, or in any other assignment for which the rank of commodore is authorized.

Capt. Merlin O'Neill, United States Coast Guard, to be a commodore, for temporary service, in the Coast Guard, to rank from June 1, 1945, while serving as district Coast Guard officer, Fifth Naval District, or in any

other assignment for which the rank of commodore is authorized.

Capt. Frederick A. Zeussler, United States Coast Guard, to be a rear admiral, for temporary service, in the Coast Guard, to rank from June 1, 1945, while serving as district Coast Guard officer, Thirteenth Naval District, or in any other assignment for which the rank of rear admiral is authorized.

Capt. Joseph Greenspun, United States Coast Guard, to be a rear admiral, for temporary service, in the Coast Guard, to rank from June 1, 1945, while serving as chief finance and supply officer, or in any other assignment for which the rank of rear admiral is authorized.

Capt. Eugene A. Coffin, United States Coast Guard, to be a commodore, for temporary service, in the Coast Guard, to rank from June 1, 1945, while serving as district Coast Guard officer, Fourteenth Naval District, or in any other assignment for which the rank of commodore is authorized.

Capt. James A. Hirshfield, United States Coast Guard, to be a commodore, for temporary service, in the Coast Guard, to rank from June 1, 1945, while serving as district Coast Guard officer, Cleveland, Ninth Naval District, or in any other assignment for which the rank of commodore is authorized.

Capt. Norman H. Leslie, United States Coast Guard, to be a commodore, for temporary service, in the Coast Guard, to rank from June 1, 1945, while serving as district Coast Guard officer, Seventeenth Naval District, or in any other assignment for which the rank of commodore is authorized.

## SENATE

TUESDAY, JULY 24, 1945

(Legislative day of Monday, July 9, 1945)

The Senate met in executive session at 11 o'clock a. m., on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor of the Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, we have been privileged to enter upon a new day laden with innumerable blessings and filled with tasks which challenge the consecration of our noblest manhood.

May we never be recreant to any duty or turn cowardly away from any difficulty. When evening comes, may we receive the benediction which Thou dost bestow upon the faithful.

Grant that, as God-fearing patriots, we may be loyal partners with all who are courageously struggling for the victory of those ideals and principles which Thou hast ordained.

We pray that Thy guiding and sustaining presence may be given unto our President and all who share in the responsibilities of government. May they be the honored servants of the Lord by whom the spirit of good will and peace shall be mediated to the heart of humanity.

In the name of the Christ, we offer our prayers and petitions. Amen.

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, July 23, 1945, was dispensed with, and the Journal was approved.